

AMENDED IN SENATE JULY 2, 2001

AMENDED IN ASSEMBLY MARCH 27, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 804**

**Introduced by Committee on Education (Strom-Martin (Chair),  
Alquist, Calderon, Correa, Goldberg, Liu, Pavley, Salinas,  
Vargas, Wyland, and Zettel)**

February 22, 2001

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An act to amend Sections 8208, ~~8242~~, 8264.5, 8278.3, ~~11023~~, ~~11024.5~~, 17150, 32228, ~~32228.1~~, ~~35756.5~~, 41409, 42850, 44503, ~~52334~~, 53029, 53083, 60061, 60240, and ~~60313~~ of, and to 8951, 10901, 11023, 11024.5, 17070.75, 17150, 17584, 32228, ~~32228.1~~, 33533, 37220.6, 37252, 41374, 41409, 42239.15, 42239.2, 42650, 42850, 44503, 46190, 47612, 51210, 51220, 51224.5, 51511, 51810, 51874, 52066, 52314, 52314.6, 52334, 52523, 52761, 53029, 54746, 54749, 56200, 56207, 56366, 56366.1, 56391, 56836.02, 60061, 60240, 60313, 60400, 63051, 63052, 78300, 89230, and 99223 of, to amend the heading of Chapter 17 (commencing with 53081) of Part 28 of, to amend and renumber Sections 53081, 53082, 53083, and 53084 of, to add Sections 42238.146, 46201.2 and 47661.5 to, to repeal Section 56044 of, and to repeal Article 19 (commencing with Section 8420) and Article 19.5 (commencing with Section 8430) of Chapter 2 of Part 6 of, the ~~Education Code~~, to amend Section ~~27316~~ of the ~~Vehicle Code~~, and ~~to Education Code~~, to amend Section 3450.2 of the Government Code, and to amend Section 42 of Chapter 71 of, and Section 3 of Chapter 1024 of, the Statutes of 2000, relating to education, and declaring the urgency thereof, to take effect immediately.

## LEGISLATIVE COUNSEL'S DIGEST

AB 804, as amended, Strom-Martin. Education.

(1) Existing law authorizes programs previously funded under the Alternative Child Care Act and for new programs funded pursuant to the Child Care and Development Services Act to operate pursuant to the regulations for child day care facilities under the California Community Care Facilities Act, and does not require those programs to be subject to specified regulations and related laws under certain circumstances.

This bill would delete those provisions.

(2) ~~Under existing law,~~ *Existing law establishes* the Child Care Facilities Revolving Fund ~~is established~~ in the State Treasury to provide funding for the renovation, repair, or improvement of an existing building to make the building suitable for licensure for child care and development services and for the purchase of new relocatable child care facilities for lease to school districts and contracting agencies who provide child care and development services. *Existing law requires the Superintendent of Public Instruction to submit a plan to Office of the Secretary for Education, the Department of Finance, and the Legislative Analyst specifying the application procedures to request funding, allowable uses of the funds, and the form of agreement to be used.*

This bill would specify that school districts and county offices of education that operate a California School Age Families Education Program are eligible to apply for and receive funding from the fund. *The bill would delete the requirement that the Superintendent of Public Instruction submit a plan.*

(3) Under existing law, the Child Care and Employment Act establishes a child care fund in each local service delivery area to provide child care services for the children of parents in the service delivery area's job training and placement programs.

This bill would repeal the act.

(4) Existing law establishes a 3-year pilot project on infant home care for the purposes of developing and evaluating a model program for the recruitment, training, and monitoring of a network of infant care providers.

This bill would repeal the pilot project.

(5) Existing law authorizes local educational agencies to submit proposals to the Superintendent of Public Instruction to fund activities that will increase the percentage of pupils at qualifying high schools that meet the requirements for admission to the California State University

or the University of California. Existing law requires the Superintendent of Public Instruction to recommend, and the State Board of Education to approve, a plan for the comprehensive evaluation of programs authorized pursuant to the grant program. Existing law requires the superintendent to complete the evaluation and submit it to the board by July 1, 2003, and the board to submit the final evaluation and report to the Legislature by December 31, 2003. Existing law requires the act to become inoperative on July 1, 2004, and repealed as of January 1, 2005.

This bill would extend the dates of submission for those reports for one year and extend the inoperative and repeal dates of the act for one year.

*(6) Existing law requires a school district applying for funding under the Leroy F. Greene School Facilities Act of 1998 to establish a restricted account within the school district's general fund for the exclusive purpose of providing funds for ongoing and major maintenance of school buildings and requires that a school district deposit into the account in each fiscal year for 20 years after receiving funds under the act, a minimum amount equal to 3% of the district's general fund budget for that fiscal year.*

*This bill would require the minimum amount to be equal to 3% of the applicant of the district's total general fund expenditures, including other financing uses, for the fiscal year and would allow a school district that serves as the administrative unit for a special education local plan area exclude from its total general fund expenditures, for purposes of calculating the minimum amount to deposit in the restricted account, the distribution of revenues that are passed through to participating members of the special education local plan area.*

*(7) Existing law requires the State Allocation Board to apportion funds from the State School Deferred Maintenance Fund to school districts based on local one to one match up to a maximum amount based in part on the district's total expenditures and certain ending fund balances, excluding amounts expended for capital outlay or debt service.*

*This bill would allow a school district that serves as the administrative unit for a special education local plan area to also exclude revenues that are passed through to participating members of the special education local plan area from its total expenditures for purposes of calculating the maximum amount of funds that may be apportioned to it from the State School Deferred Maintenance Fund.*



(8) Under existing law, the Carl Washington School Safety and Violence Prevention Act states the intent of the Legislature that public schools serving pupils in kindergarten or any of grades 1 to 12, inclusive, have access to supplemental resources to establish programs and strategies that promote school safety and emphasize violence prevention among children and youth in the public schools. Existing law requires the Superintendent of Public Instruction to provide funds to school districts serving the specified pupils.

This bill would make the act applicable to public schools and school districts serving pupils in any of grades 8 to 12, inclusive.

~~(7) Under existing law, in the case of transfer of territory from one school district to another, the territory in which the election for reorganization is held must include the entire territory of the districts opposing the transfer if the transfer is opposed by the governing boards of one or more of the districts affected with an average daily attendance of 900 or less. Existing law requires that each of these opposing districts bear the additional cost of holding the election in that portion of its territory not otherwise included in the election.~~

~~This bill would instead require these procedures to take place if the transfer is opposed by the governing boards or one of more of the districts affected with an average daily attendance of 2,500 or less.~~

~~(8)~~

*(9) Existing law creates the Cesar Chavez Day of Service and Learning program and authorizes the California Commission on Improving Life Through Service to make grants to local and state operated Americorps or Conservation Corps programs that submit proposals to engage pupils through their schools and school districts in community service that qualifies as instructional time on Cesar Chavez Day and that honors the life and work of Cesar Chavez.*

*This bill would authorize the grants to be made based on proposals selected through a competitive process and would include National Senior Service Corps and Learn and Serve with the Americorps and Conservation Corps as programs that may submit proposals for grants.*

*(10) Existing law requires the governing board of each school district that maintains any or all of grades 7 to 12, inclusive, to offer supplemental instructional programs for pupils enrolled in grades 7 to 12, inclusive, who do not demonstrate sufficient progress toward passing the high school exit examination.*

*This bill would allow these school districts to offer supplemental instructional programs also to pupils who do not demonstrate sufficient*

*progress toward attaining core academic skills and credits required for graduation.*

*(11) Existing law requires the Superintendent of Public Instruction to determine the statewide average percentage of school district expenditures that are allocated to the salaries of administrative personnel, teachers, and district superintendents and to submit a copy of this information annually to the Legislature, the Governor, the Department of Finance, and the office of the Legislative Analyst.*

*This bill would delete the requirement regarding submission of the information to the Legislature, the Governor, the Department of Finance, and the office of the Legislative Analyst.*

*(12) Existing law requires the Controller during each fiscal year to transfer from the General Fund to Section A of the State School Fund certain sums, as certified by the Superintendent of Public Instruction, for apportionment during the fiscal year.*

*This bill would require the Superintendent of Public Instruction to certify to the Controller amounts that do not exceed amounts needed to fund the revenue limits of school districts and county superintendents of schools and the revenue limit portion of charter school operational funding, as those amounts are determined by specified statutes.*

*(13) Existing law requires the Superintendent of Public Instruction to allocate a minimum amount of funds for supplemental summer school programs for school districts that have an enrollment of less than 500 and offer at least 1,500 hours of supplemental summer school instruction. Existing law prohibits the State Board of Education and the Superintendent of Public Instruction from waiving this provision.*

*This bill would similarly require an allocation of a minimum amount of funds for the Elementary School Intensive Reading Programs and Intensive Algebra Instructional Academies for school districts that have an enrollment of less than 500 and offer at least 1,500 hours of elementary school intensive reading instruction and intensive algebra instruction, respectively. The bill would delete the prohibition against waiving these provisions and the provision regarding supplemental summer school instruction.*

*(14) Existing law prohibits a student in classes for adults from being credited with more than 15 clock hours of attendance per school week except for students enrolled in certain classes.*

*This bill would extend the exemption also to students in classes for adults with disabilities.*



(15) Existing law provides financial incentives to school districts for a longer instructional day and year and reduces the base revenue limit per unit of average daily attendance for a fiscal year if a school district reduces the length of its instructional day or year. Existing law prohibits the State Board of Education from waiving the provisions governing this incentive program.

This bill would allow the State Board of Education to waive the penalties associated with reducing the length of an instructional day and year under certain circumstances.

(16) Existing law sets forth a method for calculating the average daily attendance of school districts that sponsor charter schools to take into account the attendance of charter school pupils.

This bill would allow for an increase in a school district's average daily attendance when a school within the district becomes a charter school for one year and then returns to being a noncharter school the following year.

(17) Existing law requires the adopted course of study for grades 7 to 12, inclusive, to include algebra as part of the mathematics area of study. Existing law requires, commencing with the 2003–04 school year, the mathematics requirement for graduation to be met by a course or courses that meet or exceed the State Board of Education adopted content standards for Algebra I. Existing law deems the mathematics requirement for graduation to be satisfied if at any time in any of grades 7 to 12, inclusive, a pupil completes coursework that meets or exceeds adopted content standards for Algebra I in less than 2 courses. Existing law states the intent of the Legislature that any modification of coursework required by these provisions be incorporated into the other coursework that the governing board of a school district may by rule specify as required for high school graduation.

This bill would apply towards satisfaction of the mathematics requirement for graduation coursework a pupil at any time in any of grades 7 to 12, inclusive, that meets or exceeds adopted content standards for Algebra I. The bill would state the intent of the Legislature that any modification of coursework required by these provisions be incorporated instead into the 2 courses of mathematics required for graduation.

(18) Existing law requires the State Department of Education to establish the California Technology Assistance Project to administer a regionalized network of technical assistance to schools and school



*districts on the implementation of education technology. Existing law repeals this and related provisions on January 1, 2004.*

*This bill would extend the repeal date to January 1, 2005.*

*(19) Existing law establishes the American Indian Early Childhood Education Program and requires the State Department of Education to prepare a request for proposal to contract for an independent evaluation for the program to be performed on or before December 31, 2000.*

*This bill would instead require the evaluation to be performed on or before December 31, 2001.*

*(20) Existing law makes pupils under 16 years of age eligible to attend a regional occupational center or program under certain conditions, including the referral of those pupils.*

*This bill would require the approval of a referral to be in writing and would prohibit the State Board of Education from waiving the provisions governing eligibility to attend a regional occupational center or program.*

*(21) Existing law limits the amount of average daily attendance that may be claimed for pupils under 16 years of age who are enrolled pursuant to a referral in a regional occupational center or program to 3% of the greater of the average daily attendance funded in the prior year for the center or program or an amount based in part on the enrollment of pupils under 16 years of age in the regional occupational center or program in the 1982–83 fiscal year.*

*This bill would increase the amount of average daily attendance that may be claimed for pupils under 16 years of age who are enrolled in a regional occupational center or program to 10% and would delete the alternative calculation based on the enrollment of pupils under 16 years of age in the regional occupational center or program in the 1982–83 fiscal year.*

*(22) Existing law establishes the Intensive Algebra Instruction Academies Program.*

*This bill would renumber the provisions governing that program.*

*(23) Existing law provides for the development of a master contract with alternative nonpublic, nonsectarian schools or agencies that provide alternative special education services to districts, special education local plan areas, county offices, and parents. If the county superintendent is not participating in the local plan involved in the contract, and the contract has not been finalized after 60 days, and*

*either party appeals to the superintendent, the superintendent or his or her designee, is required to mediate the formulation of the contract.*

*This bill would require the superintendent, instead of mediating the contract, to render a decision that would be the final administrative decision.*

*(24) Existing law requires nonpublic, nonsectarian schools or agencies to file an application for certification with the Superintendent of Public Instruction between January 1 and June 30.*

*This bill would allow applications to be filed all year.*

*(25) Existing law requires the governing board of a school district maintaining one or more high schools to adopt textbooks for use in the high schools and authorizes only textbooks of publishers who comply with certain requirements to be adopted.*

*This bill would require the adoption of instructional materials, defined to include textbooks and other materials that are designed for use by pupils and their teachers as a learning resource, and would authorize only the instructional materials of publishers who comply with certain requirements to be adopted.*

*(26) Existing law authorizes the governing board of any school district to establish a retiree benefit fund for specified purposes.*

*This bill would instead authorize the board to establish a pension plan and other employee benefits fund for those same purposes.*

~~(9)~~

*(27) Existing law requires a publisher or manufacturer of instructional materials to comply with specified requirements for materials offered for adoption or sale in the state, including the right of the state to transcribe, reproduce, and distribute the material for deaf pupils and pupils with visual disabilities.*

*This bill would also require a publisher or manufacturer to provide the state with the right to transcribe, reproduce, modify, and distribute the materials for pupils with other disabilities that prevent the use of standard instructional materials. The bill would also require a publisher or manufacturer to provide computer files or other electronic versions of the materials to the state within 30 days of adoption and require the state to request those materials as needed for specified purposes.*

~~(10)~~

*(28) Existing law establishes the State Instructional Materials Fund in the State Treasury as a means of annually funding the acquisition of instructional materials. Existing law requires the State Board of*



Education to encumber part of the fund to pay for accessible instructional materials to accommodate pupils with visual disabilities.

This bill would instead require the state board to encumber the fund to pay for those materials to accommodate pupils who are visually impaired or who have disabilities and are unable to access the general curriculum.

~~(11)–~~

(29) Existing law requires the Superintendent of Public Instruction to maintain a central clearinghouse-depository and duplication center for accessible versions of instructional materials and assistive devices and materials for visually impaired pupils.

This bill would also require that the depository and duplication center maintain accessible versions of instructional materials for pupils with other disabilities. The bill would also require that assistive devices in the depository to consist of items designed for use by pupils with visual impairments.

~~(12) Existing law requires all schoolbuses manufactured on or after January 1, 2002, and purchased or leased for use in the state to be equipped at all designated seating positions with a combination pelvic and upper torso passenger restraint system, unless otherwise prohibited, as specified.~~

~~This bill would instead require schoolbuses manufactured on or after January 1, 2004, to be equipped with the restraint system.~~

~~(13)–~~

(30) *Existing law establishes the Pilot Project for Categorical Education Program Flexibility under which selected school districts have flexibility in the expenditure of funding for categorical programs that are grouped into 3 clusters. Existing law requires a school district participating in the pilot project to receive the same amount of funds for the categorical programs constituting the 3 clusters while participating in the pilot project and prohibits program expansion for any of the categorical programs contained in the clusters.*

*This bill would delete the prohibition regarding program expansion and would provide that a school district would receive the same amount of funds for certain categorical programs if the funding for those programs is allocated directly from the state to the county treasurer on behalf of the participating school district. If funds for those programs are allocated from a nonstate entity, that entity and the school district would determine whether to include the funding for those programs in a cluster.*

(31) Existing law requires a school district that has a qualified or negative certification regarding its ability to meet its financial obligations to allow the county office of education at least 6 working days to review and comment on any proposed agreement made between the exclusive representative of the employees of the school district and the public school employer.

*This bill would impose a similar requirement on a county office of education that has a qualified or negative certification except that the Superintendent of Public Instruction would review and comment on the proposed agreement.*

(32) Existing law appropriates the sum of \$15,761,000 from the General Fund to the Superintendent of Public Instruction in accordance with a specified schedule, including \$62,000 to the Hilmar Unified School District for street access at Hilmar High School.

The bill would clarify that the funds are to be used for the purposes of street access at Hilmar Middle School to the extent that funding remains available.

~~(14)~~

(33) Existing law defines the arts, for purposes of the Summer School for the Arts, as including drama and includes drama as an instructional related activity in the California State University system. Existing law includes references in various provisions to music, drama, art, and the fine arts.

*This bill would refer to theatre instead of drama and to the visual and performing arts and would include dance, music, theatre, and visual arts in the visual and performing arts.*

(34) This bill would make technical and clarifying changes and update cross-references in other provisions of the Education Code.

~~(15)~~

(35) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 8208 of the Education Code is amended
- 2 to read:
- 3 8208. As used in this chapter:



(a) “Alternative payments” includes payments that are made by one child care agency to another agency or child care provider for the provision of child care and development services, and payments that are made by an agency to a parent for the parent’s purchase of child care and development services.

(b) “Alternative payment program” means a local government agency or nonprofit organization that has contracted with the department pursuant to Section 8220.2 to provide alternative payments and to provide support services to parents and providers.

(c) “Applicant or contracting agency” means a school district, community college district, college or university, county superintendent of schools, county, city, public agency, private nontax-exempt agency, private tax-exempt agency, or other entity that is authorized to establish, maintain, or operate services pursuant to this chapter. Private agencies and parent cooperatives, duly licensed by law, shall receive the same consideration as any other authorized entity with no loss of parental decisionmaking prerogatives as consistent with the provisions of this chapter.

(d) “Assigned reimbursement rate” is that rate established by the contract with the agency and is derived by dividing the total dollar amount of the contract by the minimum child day of average daily enrollment level of service required.

(e) “Attendance” means the number of children present at a child care and development facility. “Attendance,” for the purposes of reimbursement, includes excused absences by children because of illness, quarantine, illness or quarantine of their parent, family emergency, or to spend time with a parent or other relative as required by a court of law or that is clearly in the best interest of the child.

(f) “Capital outlay” means the amount paid for the renovation and repair of child care and development facilities to comply with state and local health and safety standards, and the amount paid for the state purchase of relocatable child care and development facilities for lease to qualifying contracting agencies.

(g) “Caregiver” means a person who provides direct care, supervision, and guidance to children in a child care and development facility.

(h) “Child care and development facility” means any residence or building or part thereof in which child care and development services are provided.

- 1 (i) “Child care and development programs” means those  
2 programs that offer a full range of services for children from  
3 infancy to 14 years of age, for any part of a day, by a public or  
4 private agency, in centers and family child care homes. These  
5 programs include, but are not limited to, all of the following:
- 6 (1) Campus child care and development.
  - 7 (2) General child care and development.
  - 8 (3) Intergenerational child care and development.
  - 9 (4) Migrant worker child care and development.
  - 10 (5) Child care provided by the California School Age Families  
11 Education Program (Article 7.1 (commencing with Section  
12 54740) of Chapter 9 of Part 29.
  - 13 (6) State preschool.
  - 14 (7) Resource and referral.
  - 15 (8) Severely handicapped.
  - 16 (9) Family day care.
  - 17 (10) Alternative payment.
  - 18 (11) Child abuse protection and prevention services.
  - 19 (12) Schoolage community child care.
- 20 (j) “Child care and development services” means those  
21 services designed to meet a wide variety of needs of children and  
22 their families, while their parents or guardians are working, in  
23 training, seeking employment, incapacitated, or in need of respite.  
24 These services may include direct care and supervision,  
25 instructional activities, resource and referral programs, and  
26 alternative payment arrangements.
- 27 (k) “Children at risk of abuse, neglect, or exploitation” means  
28 children who are so identified in a written referral from a legal,  
29 medical, or social service agency, or emergency shelter.
- 30 (l) “Children with exceptional needs” means children who  
31 have been determined to be eligible for special education and  
32 related services by an individualized education program team  
33 according to the special education requirements contained in Part  
34 30 (commencing with Section 56000), and meeting eligibility  
35 criteria described in Section 56026 and Sections 56333 to 56338,  
36 inclusive, and Sections 3030 and 3031 of Title 5 of the California  
37 Code of Regulations. These children have an active individualized  
38 education program, and are receiving appropriate special  
39 education and services, unless they are under three years of age and  
40 permissive special education programs are available. These



1 children may be developmentally disabled, hard-of-hearing, deaf,  
2 speech impaired, visually handicapped, seriously emotionally  
3 disturbed, orthopedically impaired, other health impaired,  
4 deaf-blind, multihandicapped, or children with specific learning  
5 disabilities, who require the special attention of adults in a child  
6 care setting.

7 (m) “Children with special needs” includes infants and  
8 toddlers under the age of three years;  
9 limited-English-speaking-proficient children; children with  
10 exceptional needs; limited-English-proficient handicapped  
11 children; and children at risk of neglect, abuse, or exploitation.

12 (n) “Closedown costs” means reimbursements for all  
13 approved activities associated with the closing of operations at the  
14 end of each growing season for migrant child development  
15 programs only.

16 (o) “Cost” includes, but is not limited to, expenditures that are  
17 related to the operation of child care and development programs.  
18 “Cost” may include a reasonable amount for state and local  
19 contributions to employee benefits, including approved retirement  
20 programs, agency administration, and any other reasonable  
21 program operational costs. “Cost” may also include amounts for  
22 licensable facilities in the community served by the program,  
23 including lease payments or depreciation, down payments, and  
24 payments of principal and interest on loans incurred to acquire,  
25 rehabilitate, or construct licensable facilities, but these costs shall  
26 not exceed fair market rents existing in the community in which  
27 the facility is located. “Reasonable and necessary costs” are costs  
28 that, in nature and amount, do not exceed what an ordinary prudent  
29 person would incur in the conduct of a competitive business.

30 (p) “Elementary school,” as contained in Section 425 of Title  
31 20 of the United States Code (the National Defense Education Act  
32 of 1958, Public Law 85-864, as amended), includes early  
33 childhood education programs and all child development  
34 programs, for the purpose of the cancellation provisions of loans  
35 to students in institutions of higher learning.

36 (q) “Health services” include, but are not limited to, all of the  
37 following:

38 (1) Referral, whenever possible, to appropriate health care  
39 providers able to provide continuity of medical care.

(2) Health screening and health treatment, including a full range of immunization recorded on the appropriate state immunization form to the extent provided by the Medi-Cal Act (Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code) and the Child Health and Disability Prevention Program (Article 6 (commencing with Section 124025) of Chapter 3 of Part 2 of Division 106 of the Health and Safety Code), but only to the extent that ongoing care cannot be obtained utilizing community resources.

(3) Health education and training for children, parents, staff, and providers.

(4) Followup treatment through referral to appropriate health care agencies or individual health care professionals.

(r) “Higher educational institutions” means the Regents of the University of California, the Trustees of the California State University, the Board of Governors of the California Community Colleges, and the governing bodies of any accredited private nonprofit institution of postsecondary education.

(s) “Intergenerational staff” means persons of various generations.

(t) “Limited-English-speaking-proficient and non-English-speaking-proficient children” means children who are unable to benefit fully from an English-only child care and development program as a result of either of the following:

(1) Having used a language other than English when they first began to speak.

(2) Having a language other than English predominantly or exclusively spoken at home.

(u) “Parent” means any person living with a child who has responsibility for the care and welfare of the child.

(v) “Program director” means a person who, pursuant to Sections 8244 and 8360.1, is qualified to serve as a program director.

(w) “Proprietary child care agency” means an organization or facility providing child care, which is operated for profit.

(x) “Resource and referral programs” means programs that provide information to parents, including referrals and coordination of community resources for parents and public or private providers of care. Services frequently include, but are not limited to: technical assistance for providers, toy-lending libraries,

1 equipment-lending libraries, toy- and equipment-lending  
2 libraries, staff development programs, health and nutrition  
3 education, and referrals to social services.

4 (y) “Severely handicapped children” are children who require  
5 instruction and training in programs serving pupils with the  
6 following profound disabilities: autism, blindness, deafness,  
7 severe orthopedic impairments, serious emotional disturbance, or  
8 severe developmental disability. These children, ages birth to 21  
9 years, inclusive, may be assessed by public school special  
10 education staff, regional center staff, or another appropriately  
11 licensed clinical professional.

12 (z) “Short-term respite child care” means child care service to  
13 assist families whose children have been identified through  
14 written referral from a legal, medical, or social service agency, or  
15 emergency shelter as being neglected, abused, exploited, or  
16 homeless, or at risk of being neglected, abused, exploited, or  
17 homeless. Child care is provided for less than 24 hours per day in  
18 child care centers, treatment centers for abusive parents, family  
19 child care homes, or in the child’s own home.

20 (aa) (1) “Site supervisor” means a person who, regardless of  
21 his or her title, has operational program responsibility for a child  
22 care and development program at a single site. A site supervisor  
23 shall hold a permit issued by the Commission on Teacher  
24 Credentialing that authorizes supervision of a child care and  
25 development program operating in a single site. The  
26 Superintendent of Public Instruction may waive the requirements  
27 of this subdivision if the superintendent determines that the  
28 existence of compelling need is appropriately documented.

29 (2) In respect to state preschool programs, a site supervisor may  
30 qualify under any of the provisions in this subdivision, or may  
31 qualify by holding an administrative credential or an  
32 administrative services credential. A person who meets the  
33 qualifications of a site supervisor under both Section 8244 and  
34 subdivision (e) of Section 8360.1 is also qualified under this  
35 subdivision.

36 (ab) “Standard reimbursement rate” means that rate  
37 established by the Superintendent of Public Instruction pursuant  
38 to Section 8265.



(ac) “Startup costs” means those expenses an agency incurs in the process of opening a new or additional facility prior to the full enrollment of children.

(ad) “State preschool services” means part-day educational programs for low-income or otherwise disadvantaged prekindergarten-age children.

(ae) “Support services” means those services which, when combined with child care and development services, help promote the healthy physical, mental, social, and emotional growth of children. Support services include, but are not limited to: protective services, parent training, provider and staff training, transportation, parent and child counseling, child development resource and referral services, and child placement counseling.

(af) “Teacher” means a person with the appropriate permit issued by the Commission on Teacher Credentialing who provides program supervision and instruction which includes supervision of a number of aides, volunteers, and groups of children.

(ag) “Underserved area” means a county or subcounty area, including, but not limited to, school districts, census tracts, or ZIP Code areas, where the ratio of publicly subsidized child care and development program services to the need for these services is low, as determined by the Superintendent of Public Instruction.

(ah) “Workday” means the time that the parent requires temporary care for a child for any of the following reasons:

(1) To undertake training in preparation for a job.

(2) To undertake or retain a job.

(3) To undertake other activities that are essential to maintaining or improving the social and economic function of the family, are beneficial to the community, or are required because of health problems in the family.

~~SEC. 2.—Section 8242 of the Education Code is amended to read:~~

~~8242.—If there are no facilities in the area able to meet the special needs of particular children, then the department may, upon request, waive its regulations for staffing and group size ratios under Title 5 of the California Administrative Code and the laws upon which those regulations are promulgated for programs in which subsidized children comprise a majority of the enrollment.~~

~~SEC. 3.—~~

1     *SEC. 2.* Section 8264.5 of the Education Code is amended to  
2 read:

3     8264.5. The Superintendent of Public Instruction may waive  
4 or modify child development requirements in order to enable child  
5 development programs to serve combinations of eligible children  
6 in areas of low population. The child development programs for  
7 which the superintendent may grant waivers shall include, but  
8 need not be limited to, state preschool programs, child care  
9 provided by the California School Age Families Education  
10 Program (Article 7.1 (commencing with Section 54740) of  
11 Chapter 9 of Part 29), infant care and development services,  
12 migrant child care and development programs, campus child care  
13 and development programs, and general child care and  
14 development programs.

15     ~~SEC. 4.—~~

16     *SEC. 3.* Section 8278.3 of the Education Code is amended to  
17 read:

18     8278.3. (a) (1) The Child Care Facilities Revolving Fund is  
19 hereby established in the State Treasury to provide funding for the  
20 renovation, repair, or improvement of an existing building to make  
21 the building suitable for licensure for child care and development  
22 services and for the purchase of new relocatable child care  
23 facilities for lease to school districts and contracting agencies who  
24 provide child care and development services, pursuant to this  
25 chapter. The Superintendent of Public Instruction may transfer  
26 state funds appropriated for child care facilities into this fund for  
27 allocation to school districts and contracting agencies, as  
28 specified, for the purchase, transportation, and installation of  
29 facilities for replacement and expansion of capacity. School  
30 districts and contracting agencies using facilities made available  
31 by the use of these funds shall be charged a leasing fee, either at  
32 a fair market value for those facilities or at an amount sufficient to  
33 amortize the cost of purchase and relocation, whichever is lower,  
34 over a 10-year period. Upon full repayment of the purchase and  
35 relocation costs, title shall transfer from the State of California to  
36 the school district or contracting agency. The Superintendent of  
37 Public Instruction shall deposit all revenue derived from the lease  
38 payments into the Child Care Facilities Revolving Fund.

39     (2) Notwithstanding Section 13340 of the Government Code,  
40 all moneys in the fund, including moneys deposited from lease

1 payments, shall be continuously appropriated, without regard to  
2 fiscal year, to the Superintendent of Public Instruction for  
3 expenditure pursuant to this article.

4 ~~(b) On or before November 30, 2000, the Superintendent of~~  
5 ~~Public Instruction shall submit a plan to the Office of the Secretary~~  
6 ~~for Education, the Department of Finance, and the Legislative~~  
7 ~~Analyst's Office. This plan shall specify the application~~  
8 ~~procedures to request funding for the renovation, repair, or~~  
9 ~~improvement of an existing building to make the building suitable~~  
10 ~~for licensure for child care and development services, the~~  
11 ~~allowable uses of the funds, and the form of the agreement,~~  
12 ~~including, but not necessarily limited to, provisions to protect the~~  
13 ~~state's interest, including provisions relating to maintenance and~~  
14 ~~the event of contract termination.~~

15 ~~(c)~~

16 (b) On or before August 1, 1998, and on or before August 1 of  
17 each fiscal year thereafter, the Superintendent of Public  
18 Instruction shall submit to the Office of the Secretary for  
19 Education, the Department of Finance, and the Legislative  
20 Analyst's Office a report detailing the number of funding requests  
21 received and their purpose, the types of agencies which received  
22 this facilities funding, the increased capacity that these facilities  
23 generated, a description of how the facilities are being used, and  
24 a projection of the lease payments collected and the funds available  
25 for future use.

26 ~~(d)~~

27 (c) School districts and county offices of education that operate  
28 a Cal-SAFE program pursuant to Article 7.1 (commencing with  
29 Section 54740) of Chapter 9 of Part 29 are eligible to apply for and  
30 receive funding pursuant to this section.

31 ~~SEC. 5.—~~

32 SEC. 4. Article 19 (commencing with Section 8420) of  
33 Chapter 2 of Part 6 of the Education Code is repealed.

34 ~~SEC. 6.—~~

35 SEC. 5. Article 19.5 (commencing with Section 8430) of  
36 Chapter 2 of Part 6 of the Education Code is repealed.

37 ~~SEC. 7.—~~

38 SEC. 6. *Section 8951 of the Education Code is amended to*  
39 *read:*

8951. As used in this chapter, “arts” includes, but is not limited to, all of the following: dance; ~~drama~~ *theatre*; music; folk art; creative writing; visual arts, including painting, sculpture, photography, and craft arts; design, including graphic arts, computer graphics, and costume design; film; and video.

*SEC. 7. Section 10901 of the Education Code is amended to read:*

10901. The following terms, wherever used or referred to in this chapter have the following meanings, respectively, unless a different meaning clearly appears from the context:

(a) “Public authority” means any city of any class, city and county, county of any class, public corporation or district having powers to provide recreation, or school district in the state.

(b) “Governing body” means, in the case of a city, the city council, municipal council, or common council; in the case of a county or city and county, the board of supervisors; in the case of a public corporation or district, the governing board of the public corporation or district; and in the case of a school district, the governing board of the school district.

(c) “Recreation” means any activity, voluntarily engaged in, which contributes to the physical, mental, or moral development of the individual or group participating therein, and includes any activity in the fields of ~~music, drama, art~~ *visual and performing arts*, handicraft, science, literature, nature study, nature contacting, aquatic sports, and athletics, or any of them, and any informal play incorporating any such activity.

(d) “Community recreation” and “public recreation” mean the recreation as may be engaged in under direct control of a public authority, or any camping or outdoor recreation activity which is (1) sponsored by a nonprofit organization, (2) for the benefit of disadvantaged or handicapped schoolage children, and (3) in a county with a population less than or equal to 45,000 according to the most recent federal census.

(e) “Nonprofit organization” means those nonprofit organizations which, as determined by the governing board of the school district, are unable to pay for the private transportation of disadvantaged or handicapped schoolage children to recreation activities.

(f) “Recreation center” means a place, structure, area, or other facility under the jurisdiction of a governing body of a public

1 authority used for community recreation whether or not it may be  
2 used primarily for other purposes, playgrounds, playing fields or  
3 courts, beaches, lakes, rivers, swimming pools, gymnasiums,  
4 auditoriums, libraries, parks adjacent to school sites, recreational  
5 community gardens, rooms for arts and crafts, camps, and meeting  
6 places.

7 Playgrounds, outdoor playing fields or courts, swimming pools,  
8 and camps, with necessary equipment and appurtenances for their  
9 operation, under the jurisdiction of a governing board of a public  
10 authority used for community recreation shall be considered  
11 recreation centers within the meaning of this chapter whether or  
12 not they may be used primarily for other purposes.

13 SEC. 8. Section 11023 of the Education Code is amended to  
14 read:

15 11023. The Superintendent of Public Instruction, shall  
16 recommend, and the State Board of Education shall approve, a  
17 plan for the comprehensive evaluation of the program authorized  
18 in this chapter. The Superintendent of Public Instruction shall  
19 complete the evaluation and submit it to the State Board of  
20 Education by July 1, 2004. The State Board of Education shall  
21 submit the final evaluation and report to the Legislature by  
22 December 31, 2004, on all of the following:

23 (a) Changes in the number and percent of pupils who took  
24 nationally-normed, standardized tests used for college admission  
25 decisions.

26 (b) Changes in the school-wide average score on  
27 nationally-normed, standardized tests used for college admission  
28 decisions.

29 (c) Changes in the number and percentage of pupils who  
30 complete the A-F or college preparatory course requirements with  
31 at least a "C" grade.

32 (d) Changes in the number and percentage of pupils who  
33 complete advanced placement courses and received a score of "3"  
34 or above.

35 (e) Changes in the number of advanced placement courses  
36 taken by pupils.

37 (f) Changes in the number and percentage of parents or  
38 guardians of 8th grade pupils who were notified of the course  
39 requirements that are a prerequisite for admission to the California  
40 State University or the University of California.



(g) The college participation rates at qualifying schools before and after the implementation of program activities pursuant to this chapter.

(h) Recommendations for changes to this chapter that could further increase the percentage of high school pupils eligible for admission to the California State University or the University of California upon graduation from high school.

~~SEC. 8.—~~

SEC. 9. Section 11024.5 of the Education Code is amended to read:

11024.5. This chapter shall become inoperative on July 1, 2005, and, as of January 1, 2006, is repealed, unless a later enacted statute that is enacted before January 1, 2005, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 9.—~~

SEC. 10. *Section 17070.75 of the Education Code is amended to read:*

17070.75. (a) The board shall require the school district to make all necessary repairs, renewals, and replacements to ensure that a project is at all times kept in good repair, working order, and condition. All costs incurred for this purpose shall be borne by the school district.

(b) In order to ensure compliance with subdivision (a) and to encourage school districts to maintain all buildings under their control, the board shall require an applicant school district to do all of the following prior to the approval of a project:

(1) Establish a restricted account within the school district's general fund for the exclusive purpose of providing moneys for ongoing and major maintenance of school buildings, according the highest priority to funding for the purposes set forth in subdivision (a).

(2) Agree to deposit into the account established pursuant to paragraph (1), in each fiscal year for 20 years after receipt of funds under this chapter, a minimum amount equal to or greater than 3 percent of the applicant school district's *total* general fund ~~budget~~ *expenditures, including other financing uses*, for that fiscal year. For the 1998–99 fiscal year and the 1999–2000 fiscal year, a school district may phase in this requirement by agreeing to certify the deposit of no less than 2 percent for the 1998–99 fiscal year and no less than 2½ percent for the 1999–2000 fiscal year. Annual

1 deposits to the fund established pursuant to paragraph (1) in excess  
2 of 2<sup>1</sup>/<sub>2</sub> percent of the district general fund budget may count  
3 towards the district's matching funds requirement necessary to  
4 receive apportionments from the State School Deferred  
5 Maintenance Fund pursuant to Section ~~39619~~ 17584 to the extent  
6 that funds are used for purposes that qualify for funding under that  
7 section. In addition, any district contribution to this fund may be  
8 provided in lieu of meeting the ongoing maintenance requirements  
9 pursuant to Section 17014 to the extent the funds are used for  
10 purposes established in that section. *A school district that serves*  
11 *as the administrative unit for a special education local plan area*  
12 *may elect to exclude from its total general fund expenditures, for*  
13 *purposes of this paragraph, the distribution of revenues that are*  
14 *passed through to participating members of the special education*  
15 *local plan area.* This paragraph is applicable only to the following  
16 school districts:

17 (A) High school districts with an average daily attendance  
18 greater than 300 pupils.

19 (B) Elementary school districts with an average daily  
20 attendance greater than 900 pupils.

21 (C) Unified school districts with an average daily attendance  
22 greater than 1,200 pupils.

23 (3) Certify that it has publicly approved an ongoing and major  
24 maintenance plan that outlines the use of the funds deposited, or  
25 to be deposited, pursuant to paragraph (2). The plan may provide  
26 that the district need not expend all of its annual allocation for  
27 ongoing and major maintenance in the year in which it is deposited  
28 if the cost of major maintenance requires that the allocation be  
29 carried over into another fiscal year. However, any state funds  
30 carried over into a subsequent year shall not be counted toward the  
31 annual minimum contribution by the district. A plan developed in  
32 compliance with this section shall be deemed to meet the  
33 requirements of Section 17585.

34 (c) A district to which paragraph (2) of subdivision (b) does not  
35 apply shall certify to the board that it can reasonably maintain its  
36 facilities with a lesser level of maintenance.

37 (d) For the purposes of calculating a county office of education  
38 requirement pursuant to this section, the 3 percent maintenance  
39 requirement shall be calculated based upon the county office of  
40 education general fund less any restricted accounts.

1     *SEC. 11.* Section 17150 of the Education Code is amended to  
2 read:

3     17150. (a) Upon the approval by the governing board of the  
4 school district to proceed with the issuance of certificates of  
5 participation revenue bonds or to enter into any agreement for  
6 financing school construction pursuant to Chapter 18  
7 (commencing with Section 17170), the school district shall notify  
8 the county superintendent of schools and the county auditor. The  
9 superintendent of the school district shall provide the repayment  
10 schedules for that debt obligation, and evidence of the ability of the  
11 school district to repay that obligation, to the county auditor, the  
12 county superintendent, the governing board, and the public.  
13 Within 15 days of the receipt of the information, the county  
14 superintendent of schools and the county auditor may comment  
15 publicly to the governing board of the school district regarding the  
16 capability of the school district to repay that debt obligation.

17     (b) Upon the approval by the county board of education to  
18 proceed with the issuance of certificates of participation or  
19 revenue bonds or to enter into any agreement for financing  
20 pursuant to Chapter 18 (commencing with Section 17170), the  
21 county superintendent of schools or superintendent of a school  
22 district for which the county board serves as governing board shall  
23 notify the Superintendent of Public Instruction. The county  
24 superintendent of schools or the superintendent of a school district  
25 for which the county board serves as the governing board shall  
26 provide the repayment schedules for that debt obligation and  
27 evidence of the ability of the county office of education or school  
28 district to repay that obligation, to the Superintendent of Public  
29 Instruction, the governing board, and the public. Within 15 days  
30 of the receipt of the information the Superintendent of Public  
31 Instruction may comment publicly to the county board of  
32 education regarding the capability of the county office of  
33 education or school district to repay that debt obligation.

34     (c) Prior to delivery of the notice required by subdivision (a)  
35 neither the county nor any of its officers shall have any  
36 responsibility for the administration of the school district's  
37 indebtedness. Failure to comply with the requirements of this  
38 section will not affect the validity of the indebtedness.

39     ~~SEC. 10.~~—

1     SEC. 12.   Section 17584 of the Education Code is amended to  
2     read:

3     17584. (a) Whenever, in any given fiscal year, a school  
4     district has budgeted, exclusive of state matching funds and  
5     district funds previously matched pursuant to subdivision (b), in  
6     its deferred maintenance fund established pursuant to Section  
7     17582 an amount equal to, or greater than, that amount the district  
8     expended from its general fund for major maintenance, repair, or  
9     modernization of existing school buildings, as specified in Section  
10    17582, exclusive of categorical aid funds and any proceeds from  
11    the sale of district property which were expended for the purpose  
12    of the district deferred maintenance account, in either the 1978–79  
13    or 1979–80 fiscal year, adjusted annually to the current fiscal year  
14    in conformance with the percentage change in the district revenue  
15    limit computed pursuant to Section 42237 or 42238, the  
16    Superintendent of Public Instruction shall so certify to the State  
17    Allocation Board.

18    (b) The State Allocation Board shall apportion, from the State  
19    School Deferred Maintenance Fund, to school districts an amount  
20    equal to one dollar (\$1) for each one dollar (\$1) of local funds up  
21    to a maximum of  $\frac{1}{2}$  percent of the district's current-year revenue  
22    limit average daily attendance multiplied by the average, per unit  
23    of average daily attendance, of the total expenditures and ending  
24    fund balances of the total general funds and adult education funds  
25    for districts of similar size and type, as defined in subdivision (b)  
26    of Section 42238.4, for the second prior fiscal year, exclusive of  
27    any amounts expended for capital outlay ~~or~~, debt service, *or*  
28    *revenues that are passed through to other local education*  
29    *agencies*, to the extent of funds available.

30    (c) Notwithstanding subdivision (a), in order to be eligible to  
31    receive state aid pursuant to subdivision (b), no district shall be  
32    required to budget from local district funds an amount greater than  
33     $\frac{1}{2}$  percent of the district's current-year revenue limit average daily  
34    attendance, multiplied by the average, per unit of average daily  
35    attendance, of the total expenditures and ending fund balances of  
36    the total general funds and adult education funds for districts of  
37    similar size and type, as defined in subdivision (b) of Section  
38    42238.4 for the second prior fiscal year, exclusive of any amounts  
39    expended for capital outlay ~~or~~, debt service, *or revenues that are*  
40    *passed through to other local educational agencies.*

1     *SEC. 13.* Section 32228 of the Education Code is amended to  
2 read:

3     32228. (a) It is the intent of the Legislature that public  
4 schools serving pupils in any of grades 8 to 12, inclusive, have  
5 access to supplemental resources to establish programs and  
6 strategies that promote school safety and emphasize violence  
7 prevention among children and youth in the public schools.

8     (b) It is also the intent of the Legislature that public schools  
9 have access to supplemental resources to combat bias on the basis  
10 of race, color, religion, ancestry, national origin, disability, gender,  
11 or sexual orientation, as defined in subdivision (q) of Section  
12 12926 of the Government Code, and to prevent and respond to acts  
13 of hate violence and bias related incidents. Sexual orientation shall  
14 not include pedophilia.

15     (c) It is further the intent of the Legislature that schoolsites  
16 receiving funds pursuant to this article accomplish all of the  
17 following goals:

18     (1) Teach pupils techniques for resolving conflicts without  
19 violence.

20     (2) Train school staff and administrators to support and  
21 promote conflict resolution and mediation techniques for  
22 resolving conflicts between and among pupils.

23     (3) Reduce incidents of violence at the schoolsite with an  
24 emphasis on prevention and early detection.

25     ~~SEC. 11.~~

26     *SEC. 14.* Section 32228.1 of the Education Code is amended  
27 to read:

28     32228.1. (a) The School Safety and Violence Prevention Act  
29 is hereby established. This statewide program shall be  
30 administered by the Superintendent of Public Instruction, who  
31 shall provide funds to school districts serving pupils in any of  
32 grades 8 to 12, inclusive, for the purpose of promoting school  
33 safety and reducing schoolsite violence. As a condition of  
34 receiving funds pursuant to this article, an eligible school district  
35 shall certify, on forms and in a manner required by the  
36 Superintendent of Public Instruction, that the funds will be used  
37 as described.

38     (b) From funds appropriated in the annual Budget Act or any  
39 other measure, funds shall be allocated to school districts on the  
40 basis of prior year enrollment, as reported by the California Basic

1 Educational Data System, of pupils in any of grades 8 to 12,  
2 inclusive, for any one or more of the following purposes:

3 (1) Providing schools with personnel, including, but not  
4 limited to, licensed or certificated school counselors, school social  
5 workers, school nurses, and school psychologists, who are trained  
6 in conflict resolution. Any law enforcement personnel hired  
7 pursuant to this article shall be trained and sworn peace officers.

8 (2) Providing effective and accessible on-campus  
9 communication devices and other school safety infrastructure  
10 needs.

11 (3) Establishing an in-service training program for school staff  
12 to learn to identify at-risk pupils, to communicate effectively with  
13 those pupils, and to refer those pupils to appropriate counseling.

14 (4) Establishing cooperative arrangements with local law  
15 enforcement agencies for appropriate school-community  
16 relationships.

17 (5) Preventing and responding to acts of hate violence and bias  
18 related incidents, including implementation of programs and  
19 instructional curricula consistent with the goals set forth in this  
20 section and guidelines developed pursuant to paragraph (1) of  
21 subdivision (b) of Section 233.

22 (6) For any other purpose that the school or school district  
23 determines that would materially contribute to meeting the goals  
24 and objectives of current law in providing for safe schools and  
25 preventing violence among pupils.

26 ~~SEC. 12. Section 35756.5 of the Education Code is amended~~  
27 ~~to read:~~

28 ~~35756.5. In the case of the transfer of territory from one~~  
29 ~~district to another, if the transfer is opposed by the governing~~  
30 ~~boards of one or more of the districts affected with an average daily~~  
31 ~~attendance of 2,500 or less, the territory in which the election is~~  
32 ~~held shall include the entire territory of the districts opposing the~~  
33 ~~transfer. Each district with an average daily attendance of 2,500 or~~  
34 ~~less which is included in an election because of the objection of its~~  
35 ~~governing board to the transfer shall bear the additional cost of~~  
36 ~~holding the election in that portion of its territory not otherwise~~  
37 ~~included in the election. When a majority of the votes cast in the~~  
38 ~~school district opposing the transfer and a majority of the votes~~  
39 ~~cast in the entire territory in which the election is held are in favor~~  
40 ~~of the reorganization, the proposal carries.~~

~~SEC. 13.~~

*SEC. 15. Section 33533 of the Education Code is amended to read:*

33533. The Superintendent of Public Instruction and the State Board of Education shall consider for membership on the commission persons representing subjects commonly taught in public schools, including:

(a) English.

(b) Social sciences.

(c) Foreign languages.

(d) Science.

(e) Mathematics.

(f) ~~Fine arts~~ *Visual and performing arts.*

(g) Applied arts.

(h) Conservation education.

*SEC. 16. Section 37220.6 of the Education Code is amended to read:*

37220.6. (a) There is hereby created the Cesar Chavez Day of Service and Learning program to promote service to the communities of California in honor of the life and work of Cesar Chavez. The program shall be administered by the California Commission on Improving Life Through Service in collaboration with the California Conservation Corps.

(b) The California Commission on Improving Life Through Service may make grants ~~to~~ *based on proposals selected through a competitive process from* local and state operated Americorps, *National Senior Service Corps, Learn and Serve*, or Conservation Corps programs that submit proposals to engage pupils through their schools and school districts in community service that qualifies as instructional time on Cesar Chavez Day, pursuant to Section 37220.5, and that honors the life and work of Cesar Chavez. The programs shall be created and organized in consultation with community groups. The Americorps, *National Senior Service Corps, Learn and Serve*, or Conservation Corps programs may implement or administer the programs in collaboration with community groups and nonprofit organizations. The proposals shall demonstrate all of the following:

(1) The ways and extent to which the program will be a collaborative effort between schools and the Americorps

1 ~~program~~, *National Senior Service Corps, Learn and Serve*, or  
2 Conservation Corps program.

3 (2) The ways that the service will be connected to instruction  
4 on the life and work of Cesar Chavez provided on Cesar Chavez  
5 Day.

6 (3) The way in which the service provided will make a  
7 meaningful contribution to the community.

8 (c) Grants made pursuant to subdivision (b) shall be in the  
9 amount of one dollar (\$1) for each participating pupil, or two  
10 hundred fifty dollars (\$250) for each school, whichever is greater.  
11 The California Commission on Improving Life Through Service  
12 may, at its discretion, adjust the grant amount to account for school  
13 district size, the size of the project, and the demand on existing  
14 funding. Under no circumstances may the amount granted exceed  
15 the amount of funding appropriated to carry out this section.

16 (d) In order for the community service performed under this  
17 program to be counted as instructional time, the service shall be  
18 performed under the supervision of a teacher, as defined in  
19 subdivision (a) of Section 46300.

20 (e) The Superintendent of Public Instruction shall develop or  
21 revise, as needed, a model curriculum on the life and work of Cesar  
22 Chavez and submit the model curriculum to the State Board of  
23 Education for adoption pursuant to subdivision (b) of Section  
24 37220.5. Upon adoption, the Superintendent of Public Instruction  
25 shall distribute the model curriculum to each school.

26 (f) It is the intent of the Legislature that nothing in this section,  
27 or in the act that adds this section, shall be construed to impose a  
28 mandate on school districts.

29 (g) For the purposes of this section, “school district” includes  
30 school districts, charter schools, and county offices of education.

31 *SEC. 17. Section 37252 of the Education Code is amended to*  
32 *read:*

33 37252. (a) The governing board of each district maintaining  
34 any or all of grades 7 to 12, inclusive, shall offer, and a charter  
35 school may offer, supplemental instructional programs for pupils  
36 enrolled in grades 7 to 12, inclusive, who do not demonstrate  
37 sufficient progress toward passing the exit examination required  
38 for high school graduation pursuant to Chapter 8 (commencing  
39 with Section 60850) of Part 33 *or do not demonstrate sufficient*

1 *progress toward attaining core academic skills and credits*  
2 *required for graduation.*

3 (b) Sufficient progress, as described in subdivision (a), shall be  
4 determined on the basis of either of the following:

5 (1) The results of the assessments administered pursuant to  
6 Article 4 (commencing with Section 60640) of Chapter 5 of Part  
7 33 and the minimum levels of proficiency recommended by the  
8 State Board of Education pursuant to Section 60648.

9 (2) The pupils' grades and other indicators of academic  
10 achievement designated by the district.

11 (c) For purposes of this section, a pupil shall be considered to  
12 be enrolled in a grade immediately upon completion of the  
13 preceding grade. Supplemental instruction may also be offered to  
14 a pupil who was enrolled in grade 12 during the prior school year.

15 (d) For the purposes of this section, pupils who do not possess  
16 sufficient English language skills to be assessed, as set forth in  
17 Sections 60850 and 60853, shall be considered pupils who do not  
18 demonstrate sufficient progress towards passing the exit  
19 examination required for high school graduation and shall receive  
20 supplemental instruction designed to assist the pupils succeed on  
21 the high school exit examination.

22 (e) Instructional programs may be offered pursuant to this  
23 section during the summer, before school, after school, on  
24 Saturday, or during intersession, or in any combination of summer,  
25 before school, after school, Saturday, or intersession instruction,  
26 but shall be in addition to the regular schoolday. Any minor pupil  
27 whose parent or guardian informs the school district that the pupil  
28 is unable to attend a Saturday school program for religious  
29 reasons, or any pupil 18 years of age or older who states that he or  
30 she is unable to attend a Saturday school program for religious  
31 reasons, shall be given priority for enrollment in supplemental  
32 instruction offered at a time other than Saturday over a pupil who  
33 is not unable to attend a Saturday school program for religious  
34 reasons.

35 (f) A school district or charter school offering supplemental  
36 instructional programs pursuant to this section shall receive  
37 funding as described in Section 42239 and in the annual Budget  
38 Act.

(g) Notwithstanding any other provision of law, neither the State Board of Education nor the Superintendent of Public Instruction may waive any provision of this section.

*SEC. 18. Section 41374 of the Education Code is amended to read:*

41374. Notwithstanding any other provision of law to the contrary, Section 41372 shall not apply to any elementary school district, high school district, or unified school district, which maintains no individual class session with pupils in attendance exceeding the numbers, for the particular grade levels, following:

(a) An elementary school district—twenty-eight (28) pupils.

(b) A high school district—twenty-five (25) pupils.

(c) A unified school district—twenty-eight (28) pupils in respect to grades kindergarten through 8, inclusive; and twenty-five (25) pupils in respect to grades 9 through 12, inclusive.

As used in this section the phrase “individual class session” shall not include any class session held in grades kindergarten through 8, inclusive, in courses in ~~art, instrumental and vocal music~~ *visual and performing arts*, industrial arts, and physical education. The phrase shall not include any class session held in grades 9 through 12, inclusive, in courses in commercial arts, ~~instrumental and vocal music~~ *visual and performing arts*, industrial arts, vocational arts, and physical education. The phrase “individual class session” shall not include any class session held in grades 9 through 12, inclusive, for which two or more individual class groups which come within the descriptions specified by the first paragraph of this section and subdivision (a) or (b), or both, are assembled together in the same room for joint lectures or demonstrations.

Notwithstanding the provisions of subdivisions (b) and (c), grades 7, 8, and 9 of a junior high school shall be deemed to be high school grades for purposes of this section.

*SEC. 19. Section 41409 of the Education Code is amended to read:*

41409. (a) Commencing with the 1988–89 fiscal year, and annually thereafter, the Superintendent of Public Instruction shall determine the statewide average percentage of school district expenditures that are allocated to the salaries of administrative personnel, as that term is defined in accounts 1200, 1300, 1700,

1800, and 2200 in Part I of the California School Accounting Manual published by the State Department of Education. For school districts using the Standardized Account Code Structure, the term salaries of administrative personnel are defined in object accounts 1300 and 2300 in Part II of the California School Accounting Manual. The Superintendent of Public Instruction also shall determine the statewide average percentage of school district expenditures that are allocated to the salaries of teachers, as defined in account 1100 in Parts I and II of the California School Accounting Manual. The statewide averages shall be calculated for the following types and sizes of school districts:

District	ADA
Elementary . . . . .	less than 1,000
Elementary . . . . .	1,000 to 4,999
Elementary . . . . .	5,000 and greater
High School . . . . .	less than 1,000
High School . . . . .	1,000 to 3,999
High School . . . . .	4,000 and greater
Unified . . . . .	less than 1,500
Unified . . . . .	1,500 to 4,999
Unified . . . . .	5,000 to 9,999
Unified . . . . .	10,000 to 19,999
Unified . . . . .	20,000 and greater

(b) Commencing with the 1988–89 fiscal year, and annually thereafter, the Superintendent of Public Instruction shall determine the statewide average salary, by size and type of district, for the following:

- (1) Beginning, mid-range, and highest salary paid to teachers.
- (2) Schoolsite principals.
- (3) District superintendents.

(c) The statewide averages calculated pursuant to subdivisions (a) and (b) shall be provided annually to each school district for use in the school accountability report card. ~~A copy of the state summary information shall be submitted annually to the Legislature, the Governor, the Department of Finance, and the office of the Legislative Analyst.~~

SEC. 14. —

1 SEC. 20. Section 42238.146 is added to the Education Code,  
2 immediately following Section 42238.145, to read:

3 42238.146. Notwithstanding any other provision of law, for  
4 purposes of Sections 14002, 14004, and 41301, for the 2000–01  
5 fiscal year and each fiscal year thereafter, the Superintendent of  
6 Public Instruction shall certify to the Controller amounts that do  
7 not exceed the amounts needed to fund the revenue limits of school  
8 districts, as determined pursuant to Section 42238, the revenue  
9 limits of county superintendents of schools, as determined  
10 pursuant to Section 2558, and the revenue limit portion of charter  
11 school operational funding, as determined pursuant to Section  
12 47633.

13 SEC. 21. Section 42239.15 of the Education Code is amended  
14 to read:

15 42239.15. (a) For the 2000–01 fiscal year and each fiscal  
16 year thereafter, each school district and charter school shall be  
17 eligible for reimbursement for hours of pupil attendance claimed  
18 for intensive algebra instruction academies offered pursuant to  
19 Chapter ~~17~~ 18 (commencing with Section ~~53081~~ 53091) of Part  
20 28 in an amount up to 6 percent of the total enrollment in grades  
21 7 and 8 of the school district or charter school for the prior fiscal  
22 year multiplied by 120 hours, multiplied by the hourly rate for the  
23 current fiscal year determined pursuant to subdivision (c) of  
24 Section 42239. This amount shall be provided in addition to the  
25 amount provided pursuant to Section 42239.

26 (b) When expending funds received pursuant to this section, a  
27 school district shall give first priority for the purpose specified in  
28 paragraph (1) of subdivision (d) of Section 53082.

29 SEC. 22. Section 42239.2 of the Education Code is amended  
30 to read:

31 42239.2. (a) The Superintendent of Public Instruction shall  
32 allocate a minimum of six thousand seven hundred sixty-six  
33 dollars (\$6,766) for supplemental summer school programs  
34 established pursuant to ~~Article 1 (commencing with Section~~  
35 ~~53025) of Chapter 16 of Part 28~~ Article 4 (commencing with  
36 Section 37252) of Chapter 2 of Part 22, from funds appropriated  
37 therefor in each school district for which the prior fiscal year  
38 enrollment was less than 500 and that offers at least 1,500 hours  
39 of supplemental summer school instruction. A school district for  
40 which the prior fiscal year enrollment was less than 500 that offers

1 less than 1,500 hours of supplemental summer school offerings  
2 shall receive a proportionately reduced allocation.

3 (b) *The Superintendent of Public Instruction shall allocate a*  
4 *minimum of six thousand seven hundred sixty-six dollars (\$6,766)*  
5 *for the Elementary School Intensive Reading Programs*  
6 *established pursuant to Article 1 (commencing with Section*  
7 *53025) of Chapter 16 of Part 28, from funds appropriated therefor*  
8 *in each school district for which the prior fiscal year enrollment*  
9 *was less than 500 and that offers at least 1,500 hours of elementary*  
10 *school intensive reading instruction. A school district for which the*  
11 *prior fiscal year enrollment was less than 500 that offers less than*  
12 *1,500 hours of elementary school intensive reading instruction*  
13 *shall receive a proportionately reduced allocation.*

14 (c) *The Superintendent of Public Instruction shall allocate a*  
15 *minimum of six thousand seven hundred sixty-six dollars (\$6,766)*  
16 *for Intensive Algebra Instructional Academies established*  
17 *pursuant to Chapter 18 (commencing with Section 53091) of Part*  
18 *28, from funds appropriated therefor in each school district for*  
19 *which the prior fiscal year enrollment in grades 7 and 8 was less*  
20 *than 333 and that offers at least 1,500 hours of intensive algebra*  
21 *instruction. A school district for which the prior fiscal year*  
22 *enrollment in grades 7 and 8 was less than 500 that offers less than*  
23 *1,500 hours of intensive algebra instruction shall receive a*  
24 *proportionately reduced allocation.*

25 (d) Minimum allocations for supplemental summer school  
26 programs required pursuant to subdivision (a) shall be adjusted for  
27 inflation in the 2000–01 fiscal year, and each fiscal year thereafter,  
28 in accordance with Section 42238.1.

29 ~~(e)~~

30 (e) For purposes of this section a charter school is a schoolsite  
31 and is not a school district.

32 ~~(d)~~

33 (f) Notwithstanding any other provision of law, neither the  
34 State Board of Education nor the Superintendent of Public  
35 Instruction may waive any provision of this section.

36 SEC. 23. *Section 42650 of the Education Code is amended to*  
37 *read:*

38 42650. With the approval of the county superintendent of  
39 schools, the governing board of a school district may cause  
40 warrants to be drawn on the county treasury against designated

1 funds, except debt service, of the district in the county treasury in  
2 the payment of expenses of the district. The warrants for salary and  
3 other types of claims designated by the county superintendent shall  
4 be issued by a person designated as the district disbursing officer  
5 for the school district on the county treasury in favor of the persons  
6 entitled thereto in payment of all claims in designated categories  
7 chargeable against the district which have been legally examined,  
8 allowed, and ordered paid by the governing board. The district  
9 disbursing officer shall issue warrants, using procedures  
10 prescribed by the county auditor, on the county treasury for all  
11 debts and demands, within categories designated by the county  
12 superintendent, against the district when amounts are legally  
13 approved. The form of the warrant shall be prescribed by, and  
14 approved by, the county auditor or county treasurer having  
15 jurisdiction.

16 The cost of printing warrants may be charged to the district.  
17 Notwithstanding Section 41000, except for assessing and tax  
18 collecting, the county auditor and county treasurer may charge  
19 those districts that draw their own warrants for the cost of all fiscal  
20 services.

21 Notwithstanding Section 27005 of the Government Code, or  
22 any other provision of law requiring orders for warrants or  
23 warrants to be signed by the county superintendent of schools or  
24 the county auditor, or both, the county superintendent and county  
25 auditor may prescribe alternative procedures for districts to issue  
26 warrants. The district disbursing officer shall not be considered a  
27 deputy county superintendent of schools or a deputy county  
28 auditor. The county treasurer shall pay the warrant in the  
29 designated category, if district funds are available.

30 County officers shall not be responsible for providing reports,  
31 statements, or other data relating to, or based on, the designated  
32 payments of expenses of the district. Those districts issuing  
33 warrants, as provided by this section, shall provide the county  
34 superintendent of schools, in the form prescribed by him, with the  
35 data necessary to make retirement reports and other reports  
36 required of him by law. All warrants, vouchers, and supporting  
37 documents shall be kept by school districts that draw their own  
38 warrants in those designated categories.



1 The county superintendent shall provide for a periodic review  
2 of the districts' financial transactions and internal control pursuant  
3 to Section ~~42637.5~~ 1241.5.

4 County superintendents of schools may provide fiscal,  
5 budgetary, and data-processing services through contractual  
6 agreements to school districts that have been determined to be  
7 fiscally accountable under the provisions of this section.

8 The person authorized by the governing board of the district to  
9 issue warrants, pursuant to this section, shall execute an official  
10 bond in an amount fixed by the governing board conditioned upon  
11 the faithful performance of his duties under this section. A county  
12 superintendent or county auditor shall not be liable under the terms  
13 of their bonds or otherwise for any warrant issued pursuant to this  
14 section. This section shall not be construed as impairing the  
15 obligation of any contract in the bond of such officer in effect on  
16 January 1, 1977.

17 A listing of the warrants issued under this section by each school  
18 district shall be forwarded to the county auditor having  
19 jurisdiction, upon his request, and to the county superintendent of  
20 schools having jurisdiction over the district on the same day  
21 warrants are issued. The listing, which may be magnetic tape,  
22 punched cards, or in other form, shall report, among other things,  
23 the warrant number, date of the warrant, amount of the warrant, the  
24 name of the payee, and the fund on which drawn. The form and  
25 content of the warrant listing shall be as prescribed by the county  
26 auditor or county superintendent and approved by the county  
27 auditor or county superintendent having jurisdiction.

28 Each district which issues warrants pursuant to this section shall  
29 furnish monthly to the county superintendent of schools and the  
30 county auditor of the county of jurisdiction, upon his request, a  
31 statement showing for the current fiscal year to date, for each  
32 required expenditure classification, the amount budgeted, actual  
33 expenditures, encumbrances and unencumbered balances.

34 In order to obtain the approval of the county superintendent of  
35 schools and county auditor for fiscally accountable status, the  
36 governing board of a school district shall file a written application  
37 with the county superintendent of schools and county auditor  
38 having jurisdiction on forms which the county superintendent  
39 shall prescribe. Upon receipt of an application from the district, the  
40 county superintendent shall cause an audit to be made of the

1 district's management and accounting controls, in accordance  
2 with standards prescribed by him, by an independent certified  
3 public accountant or public accountant approved by the county  
4 superintendent, who shall report his findings and  
5 recommendations to the county superintendent and to the  
6 applicant district. The audit report may include Department of  
7 Finance guidelines and other assessments of fiscal management as  
8 required by the county superintendent or the audit may be the  
9 report of the annual district audit pursuant to Section 41020 if that  
10 is acceptable to the county superintendent of schools. The cost of  
11 the audit required in support of a district's application for fiscal  
12 accountability shall be borne by the applicant district.

13 The county superintendent and county auditor shall review the  
14 district's application and report of financial management and  
15 control and may approve the application if they find the  
16 management and accounting controls of the district to be adequate.  
17 If the county superintendent and county auditor determine that  
18 such management and accounting controls are inadequate, they  
19 shall disapprove the application.

20 A district that applies for fiscal accountability status shall file its  
21 written application with the county superintendent of schools on  
22 or before September 1. The required audit of financial  
23 management and accounting controls shall be filed on or before  
24 January 1. When a district's application for fiscal accountability  
25 status has been approved by the county superintendent of schools  
26 and county auditor, the issuance of warrants by the district  
27 pursuant to this section shall be effective at the beginning of a  
28 fiscal year, provided that approval had been made prior to the  
29 preceding first day in March. If disapproved, the county  
30 superintendent of schools shall state the specific steps which must  
31 be taken by the applicant school district to receive approval and  
32 these changes shall be certified as completed by an independent  
33 certified public accountant or public accountant before the county  
34 superintendent shall approve the application. If at any time the  
35 county superintendent of schools or the county auditor determines  
36 that the financial management or accounting controls of the  
37 district have become inadequate, either such officer may revoke  
38 approval for fiscal accountability status effective immediately.

39 *SEC. 24.* Section 42850 of the Education Code is amended to  
40 read:



1 42850. The governing board of any school district may  
2 establish a pension plan and other employee benefits fund to  
3 accumulate restricted moneys from salary reduction agreements,  
4 other contributions for employee retirement benefit payments, or  
5 both. Moneys may be transferred to the fund from other funds by  
6 periodic expense charges, in amounts based on existing and future  
7 obligation requirements. Payments from the pension plan and  
8 other employee benefits fund for insurance, annuities,  
9 administrative costs, or any other authorized purpose shall be  
10 made in accordance with all warrant approval requirements  
11 applicable under this code.

12 ~~SEC. 15.~~—

13 *SEC. 25.* Section 44503 of the Education Code is amended to  
14 read:

15 44503. (a) The governing board of a school district that  
16 accepts state funds for purposes of this article agrees to negotiate  
17 the development and implementation of the program with the  
18 exclusive representative of the certificated employees in the  
19 school district, if the certificated employees in the district are  
20 represented by an exclusive representative. In a school district in  
21 which the certificated employees are not represented, the school  
22 district shall develop a Peer Assistance and Review Program for  
23 Teachers consistent with this article in order to be eligible to  
24 receive funding under this article.

25 (b) Functions performed pursuant to this article by certificated  
26 employees employed in a bargaining unit position shall not  
27 constitute either management or supervisory functions as defined  
28 by subdivisions (g) and (m) of Section 3540.1 of the Government  
29 Code.

30 (c) Teachers who provide assistance and review shall have the  
31 same protection from liability and access to appropriate defense as  
32 other public school employees pursuant to Division 3.6  
33 (commencing with Section 810) of Title 1 of the Government  
34 Code.

35 (d) It is the intent of the Legislature that school districts be  
36 allowed to combine, by mutual agreement, their programs of peer  
37 assistance and review with those of other school districts.

38 (e) Not more than 5 percent of the funds received by a school  
39 district for the Peer Assistance and Review Program for Teachers  
40 may be expended for administrative expenses. For the purposes of

1 this article, administrative expenses shall include expenditures for  
2 the personnel costs of program administration and coordination,  
3 the cost of consulting teacher selection, and indirect costs  
4 associated with the Peer Assistance and Review Program for  
5 Teachers.

6 ~~SEC. 16.~~—

7 *SEC. 26. Section 46190 of the Education Code is amended to*  
8 *read:*

9 46190. In classes for adults, a day of attendance is 180  
10 minutes of attendance but no student shall be credited with more  
11 than 15 clock hours of attendance per school week,  
12 proportionately reduced for those school weeks having weekday  
13 holidays on which classes are not held unless he or she is enrolled  
14 in a class in elementary subjects, a class for which high school  
15 credit is given, a class in English ~~for foreigners~~ *as a second*  
16 *language*, a class in citizenship, ~~or~~ a class in a trade or industrial  
17 subject as trade or industrial subject is defined by the State Board  
18 of Education for grades 7 to 12, inclusive, *or a class for adults with*  
19 *disabilities.*

20 *SEC. 27. Section 46201.2 is added to the Education Code, to*  
21 *read:*

22 46201.2. *Notwithstanding any provision of this code, the State*  
23 *Board of Education may waive the penalties contained in*  
24 *subdivision (c) of Section 46201 for any school district with a*  
25 *minimum instructional time requirement calculated pursuant to*  
26 *paragraph (1) of subdivision (b) of that section. The waiver may*  
27 *be granted only if the school district returns to the minimum time*  
28 *requirements within one year of discovering that it had not met the*  
29 *minimum instructional time requirement.*

30 *SEC. 28. Section 47612 of the Education Code is amended to*  
31 *read:*

32 47612. (a) A charter school shall be deemed to be under the  
33 exclusive control of the officers of the public schools for purposes  
34 of Section 8 of Article IX of the California Constitution, with  
35 regard to the appropriation of public moneys to be apportioned to  
36 any charter school, including, but not limited to, appropriations  
37 made for the purposes of this chapter.

38 (b) The average daily attendance in a charter school may not,  
39 in any event, be generated by a pupil who is not a California  
40 resident. To remain eligible for generating charter school

1 apportionments, a pupil ~~over~~ 19 years of age ~~shall~~ or older must  
 2 be continuously enrolled in public school *since the pupil's 18th*  
 3 *birthday* and make satisfactory progress towards award of a high  
 4 school diploma. The State Board of Education shall, on or before  
 5 January 1, 2000, adopt regulations defining “satisfactory  
 6 progress.”

7 (c) A charter school shall be deemed to be a “school district”  
 8 for purposes of Section 41302.5, Article 10 (commencing with  
 9 Section 41850) of Part 24, Section 47638, and Sections 8 and 8.5  
 10 of Article XVI of the California Constitution.

11 *SEC. 29. Section 47661.5 is added to the Education Code, to*  
 12 *read:*

13 47661.5. (a) *Notwithstanding any other provision of law, the*  
 14 *prior year average daily attendance for a school district*  
 15 *determined pursuant to subdivision (b) of Section 47661 shall be*  
 16 *increased by the prior year second principal apportionment*  
 17 *average daily attendance of district residents only of any school*  
 18 *that meets the following description:*

19 (1) *The school was a district noncharter school in any year*  
 20 *prior to the prior year.*

21 (2) *The school was operated as a district-approved charter*  
 22 *school in the prior year.*

23 (3) *The school is again operated as a district noncharter school*  
 24 *in the current year.*

25 (b) *An adjustment to prior year average daily attendance*  
 26 *pursuant to this section may not be made for the attendance of*  
 27 *pupils who were not residents of the school district in the prior*  
 28 *year.*

29 (c) *This section applies to the 2000–01 fiscal year and*  
 30 *subsequent fiscal years.*

31 *SEC. 30. Section 51210 of the Education Code is amended to*  
 32 *read:*

33 51210. The adopted course of study for grades 1 to 6,  
 34 inclusive, shall include instruction, beginning in grade 1 and  
 35 continuing through grade 6, in the following areas of study:

36 (a) English, including knowledge of, and appreciation for  
 37 literature and the language, as well as the skills of speaking,  
 38 reading, listening, spelling, handwriting, and composition.

39 (b) Mathematics, including concepts, operational skills, and  
 40 problem solving.

(c) Social sciences, drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, designed to fit the maturity of the pupils. Instruction shall provide a foundation for understanding the history, resources, development, and government of California and the United States of America; the development of the American economic system including the role of the entrepreneur and labor; the relations of persons to their human and natural environment; eastern and western cultures and civilizations; contemporary issues; and the wise use of natural resources.

(d) Science, including the biological and physical aspects, with emphasis on the processes of experimental inquiry and on the place of humans in ecological systems.

(e) Visual and performing arts, including instruction in the subjects of ~~art and music~~ *dance, music, theatre, and visual arts*, aimed at the development of aesthetic appreciation and the skills of creative expression.

(f) Health, including instruction in the principles and practices of individual, family, and community health.

(g) Physical education, with emphasis upon the physical activities for the pupils that may be conducive to health and vigor of body and mind, for a total period of time of not less than 200 minutes each 10 schooldays, exclusive of recesses and the lunch period.

(h) Other studies that may be prescribed by the governing board.

*SEC. 31. Section 51220 of the Education Code is amended to read:*

51220. The adopted course of study for grades 7 to 12, inclusive, shall offer courses in the following areas of study:

(a) English, including knowledge of and appreciation for literature, language, and composition, and the skills of reading, listening, and speaking.

(b) Social sciences, drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, designed to fit the maturity of the pupils. Instruction shall provide a foundation for understanding the history, resources, development, and government of California and the United States of America; instruction in our American legal system, the operation of the juvenile and adult criminal

1 justice systems, and the rights and duties of citizens under the  
2 criminal and civil law and the State and Federal Constitutions; the  
3 development of the American economic system, including the role  
4 of the entrepreneur and labor; the relations of persons to their  
5 human and natural environment; eastern and western cultures and  
6 civilizations; human rights issues, with particular attention to the  
7 study of the inhumanity of genocide, slavery, and the Holocaust,  
8 and contemporary issues.

9 (c) Foreign language or languages, beginning not later than  
10 grade 7, designed to develop a facility for understanding,  
11 speaking, reading, and writing the particular language.

12 (d) Physical education, with emphasis given to physical  
13 activities that are conducive to health and to vigor of body and  
14 mind.

15 (e) Science, including the physical and biological aspects, with  
16 emphasis on basic concepts, theories, and processes of scientific  
17 investigation and on the place of humans in ecological systems,  
18 and with appropriate applications of the interrelation and  
19 interdependence of the sciences.

20 (f) Mathematics, including instruction designed to develop  
21 mathematical understandings, operational skills, and insight into  
22 problem-solving procedures.

23 (g) Visual and performing arts, including ~~art, music, or drama~~  
24 *dance, music, theatre, and visual arts*, with emphasis upon  
25 development of aesthetic appreciation and the skills of creative  
26 expression.

27 (h) Applied arts, including instruction in the areas of consumer  
28 and homemaking education, industrial arts, general business  
29 education, or general agriculture.

30 (i) Career technical education designed and conducted for the  
31 purpose of preparing youth for gainful employment in the  
32 occupations and in the numbers that are appropriate to the  
33 personnel needs of the state and the community served and  
34 relevant to the career desires and needs of the pupils.

35 (j) Automobile driver education, designed to develop a  
36 knowledge of the provisions of the Vehicle Code and other laws  
37 of this state relating to the operation of motor vehicles, a proper  
38 acceptance of personal responsibility in traffic, a true appreciation  
39 of the causes, seriousness and consequences of traffic accidents,  
40 and to develop the knowledge and attitudes necessary for the safe

1 operation of motor vehicles. A course in automobile driver  
2 education shall include education in the safe operation of  
3 motorcycles.

4 (k) Other studies as may be prescribed by the governing board.

5 *SEC. 32. Section 51224.5 of the Education Code is amended*  
6 *to read:*

7 51224.5. (a) The adopted course of study for grades 7 to 12,  
8 inclusive, shall include algebra as part of the mathematics area of  
9 study pursuant to subdivision (f) of Section 51220.

10 (b) Commencing with the 2003–04 school year and each year  
11 thereafter, at least one course, or a combination of the two courses  
12 in mathematics required to be completed pursuant to subparagraph  
13 (B) of paragraph (1) of subdivision (a) of Section 51225.3 by  
14 pupils while in grades 9 to 12, inclusive, prior to receiving a  
15 diploma of graduation from high school, shall meet or exceed the  
16 rigor of the content standards for Algebra I, as adopted by the State  
17 Board of Education pursuant to Section 60605.

18 (c) If at any time, in any of grades 7 to 12, inclusive, or in any  
19 combination of those grades, a pupil completes coursework that  
20 meets or exceeds the academic content standards for Algebra I  
21 ~~pursuant to subdivision (b) in less than two courses. Those~~  
22 ~~courses shall apply towards satisfying the requirements of~~  
23 ~~subparagraph (B) of paragraph (1) of subdivision (a) of Section~~  
24 ~~51225.3 shall be deemed to have been satisfied and the pupil shall~~  
25 ~~not be required to take additional coursework in mathematics.~~

26 *SEC. 33. Section 51511 of the Education Code is amended to*  
27 *read:*

28 51511. Nothing in this code shall be construed to prevent, or  
29 exclude from the public schools, references to religion or  
30 references to or the use of religious literature, ~~art, or music~~ *dance,*  
31 *music, theatre, and visual arts* or other things having a religious  
32 significance when such references or uses do not constitute  
33 instruction in religious principles or aid to any religious sect,  
34 church, creed, or sectarian purpose and when such references or  
35 uses are incidental to or illustrative of matters properly included  
36 in the course of study.

37 *SEC. 34. Section 51810 of the Education Code is amended to*  
38 *read:*

39 51810. The governing board of any school district  
40 maintaining secondary schools is authorized without the approval

of the State Department of Education to establish and maintain community service classes in civic, vocational, literacy, health, homemaking, technical and general education, including but not limited to classes in the fields of ~~music, drama, art~~ dance, music, theatre, visual arts, handicraft, science, literature, nature study, nature contacting, aquatic sports and athletics. Such classes shall be designed to provide instruction and to contribute to the physical, mental, moral, economic, or civic development of the individuals or groups enrolled therein.

*SEC. 35. Section 51874 of the Education Code is amended to read:*

51874. Sections 51871, 51872, 51873, this section, and the heading of this article shall remain in effect only until January 1, ~~2004~~ 2005, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2004~~ 2005, deletes or extends that date.

*SEC. 36. Section 52066 of the Education Code is amended to read:*

52066. The State Department of Education shall prepare a request for proposal in consultation with an advisory committee consisting of a representative of one or more American Indian organizations, the Department of Finance, and the Legislative Analyst to contract for an independent evaluation of this program to be performed on or before December 31, ~~2000~~ 2001.

*SEC. 37. Section 52314 of the Education Code is amended to read:*

52314. (a) Except as provided in subdivision (b), any pupil eligible to attend a high school or adult school in a school district subject to the jurisdiction of a county superintendent of schools operating a regional occupational center or regional occupational program, and who resides in a school district which by itself or in cooperation with other school districts, has not established a regional occupational center, or regional occupational program, is eligible to attend a regional occupational center or regional occupational program maintained by the county superintendent of schools. Any school district which in cooperation with other school districts maintains a regional occupational center, or regional occupational program, or any such cooperating school districts may admit to the center, or program, any pupil, otherwise eligible, who resides in the district or in any of the cooperating

1 districts. Any school district which by itself maintains a regional  
2 occupational center, or regional occupational program, may admit  
3 to the center, or program, any pupil, otherwise eligible, who  
4 resides in the district. No pupil, including adults under Section  
5 52610 shall be admitted to a regional occupational center, or  
6 regional occupational program, unless the county superintendent  
7 of schools or governing board of the district or districts  
8 maintaining the center, or program, as the case may be, determines  
9 that the pupil will benefit therefrom and approves of his or her  
10 admission to the regional occupational center or regional  
11 occupational program.

12 A pupil may be admitted on a full-time or part-time basis, as  
13 determined by the county superintendent of schools or governing  
14 board of the school district or districts maintaining the center, or  
15 program, as the case may be.

16 (b) No pupil shall be eligible to be admitted to a regional  
17 occupational center or program, nor may his or her attendance be  
18 credited to a regional occupational center or program, until he or  
19 she has attained the age of 16 years, unless the pupil meets one or  
20 more of the following conditions:

21 (1) The pupil is enrolled in grade 11 or a higher grade.

22 (2) The pupil received a referral and *all of the following*  
23 *conditions are met:*

24 (A) The pupil is referred to a regional occupational center or  
25 program by a school counselor, school administrator, or classroom  
26 teacher. The referral shall include a written statement of the  
27 reasons why the pupil's educational needs cannot be met without  
28 the pupil being enrolled in a regional occupational center or  
29 program.

30 Pupils under 16 years of age eligible for enrollment in regional  
31 occupational centers and programs under this paragraph include,  
32 but are not necessarily limited to, pupils for whom there is a high  
33 probability that they will leave school prior to graduation.

34 (B) The referral is reviewed and approved *in writing* by the  
35 principal *or designated administrator* of the school in which the  
36 pupil is enrolled.

37 (C) The referral is reviewed and approved *in writing* by the  
38 director *or designated administrator* of the regional occupational  
39 center or program to which the pupil has been referred.



(D) The pupil is enrolled in a high school, which, for purposes of this requirement, means a school that maintains any of grades 9 to 12, inclusive.

(3) The pupil's individualized education program adopted pursuant to the requirements of Chapter 2 (commencing with Section 56300) of Part 30 prescribes occupational training for which his or her enrollment in a regional occupational center or program is deemed appropriate.

(c) (1) Each school district, county superintendent of schools, or joint powers agency which maintains a regional occupational center or regional occupational program shall submit to the State Department of Education, at the time and in the manner prescribed by the Superintendent of Public Instruction, the enrollment and average daily attendance for each grade level and the enrollment and average daily attendance for each exemption set forth in subdivision (b).

The

(2) The State Department of Education shall submit this information to the Legislature and to the Director of Finance by April 1 of each year for the preceding school year.

(d) The State Board of Education may not waive this section.

SEC. 38. Section 52314.6 of the Education Code is amended to read:

52314.6. The average daily attendance claimed for pupils enrolled in a regional occupational center or program pursuant to paragraph (2) of subdivision (b) of Section 52314 shall not exceed 3 10 percent of the average daily attendance funded in the prior year for the center or program, or the following amount, whichever is greater:

(1) ~~Divide the enrollment of pupils under the age of 16 years in the regional occupational center or program in the 1982-83 fiscal year by three.~~

(2) ~~Multiply the amount computed pursuant to paragraph (1) by 0.25.~~

SEC. 39. Section 52334 of the Education Code is amended to read:

52334. Indirect costs charged to regional occupational centers and programs may not exceed that of the school district or county office of education, as appropriate, prior year indirect cost rate as approved by the State Department of Education.

1 The indirect costs charged by county offices of education and  
2 school districts that provide regional occupational centers and  
3 programs services on behalf of the county office of education or  
4 joint powers authority, when added together, may not exceed the  
5 indirect cost rate approved by the State Department of Education  
6 for the county office of education or the school district, whichever  
7 is higher.

8 Revenue limit funds apportioned to a county office of education  
9 or school district for regional occupational centers and programs  
10 must be expended on programs and services offered by the  
11 regional occupational centers and programs.

12 ~~SEC. 17.—~~

13 *SEC. 40. Section 52523 of the Education Code is amended to*  
14 *read:*

15 52523. Adult education programs, courses, and classes shall  
16 not be used to supplant the regular high school curriculum for high  
17 school pupils enrolled in adult education. Adult education shall  
18 supplement and enrich the high school pupil's educational  
19 experiences. Therefore, adult education, at a minimum, shall meet  
20 the following criteria:

21 (a) All programs, courses, and classes conducted as adult  
22 education shall be open to adults and listed in the district's catalog  
23 of adult education classes provided to the public and shall be under  
24 the supervision and jurisdiction of the adult education  
25 administrator as determined by the school district governing  
26 board. Adults shall have priority over other students for admission  
27 to any adult education class if those adults enroll not later than the  
28 regular enrollment period for those classes. The enrollment period  
29 shall be published in the course catalog. No course required by the  
30 school district for high school graduation or necessary for pupils  
31 to maintain satisfactory academic progress shall be offered  
32 exclusively through the adult education program. An adult for  
33 purposes of this section is a person 18 years of age or older or other  
34 person who is not concurrently enrolled in a regular high school  
35 program.

36 (b) Each adult education teacher, whether part time or full time,  
37 under contract status or in an hourly position, shall be part of the  
38 adult school faculty and shall be under the direct supervision of the  
39 authorized adult education administrator.

(c) Enrollment of high school pupils shall be voluntary on the part of the pupil taking the class. Prior to enrollment by a high school pupil in an adult education program, class, or course, the pupil shall have documentation of the counseling session held pursuant to subdivision (b) of Section 52500.1.

(d) Enrollment of a high school pupil in an adult education program, course, or class shall be for sound educational purposes, including, but not limited to, the following:

(1) The adult education program, course, or class is not offered in the regular high school curriculum.

(2) The adult education program, course, or class is needed by the pupil to make up deficient credits for graduation from high school.

(3) The adult education program, course, or class allows the pupil to gain vocational and technical skills beyond that provided by the regular high school's vocational and technical education program.

(4) The adult education program, course, or class, supplements and enriches the high school pupil's educational experience.

(e) A high school pupil shall not be enrolled for apportionment purposes in an adult education program, course, or class that would be considered any of the following:

(1) Physical education.

(2) Driver's training and education.

(3) ~~Vocal and instrumental music~~ *Visual and performing arts*.

(4) Band.

(5) ~~Drama~~.

(6) ~~Preparation of a school yearbook or school newspaper.~~

(7)

(6) Training for, or participation in, athletic camps, cheerleading or spirit organizations, student government, or extracurricular student clubs.

The Superintendent of Public Instruction shall issue a program advisory that further defines the purposes set forth in subdivision (d) and the courses set forth in subdivision (e). The superintendent is authorized to issue, at any time, rules and regulations instead of the program advisory.

*SEC. 41. Section 52761 of the Education Code is amended to read:*

1 52761. (a) Each elementary school and junior high school or  
2 middle school participating in the project shall submit to the  
3 superintendent a proposal, which shall include all of the following:

4 (1) A description of the plant, animal, river, creek, wetlands, or  
5 other natural area that the pupils have selected.

6 (2) A description of strategies that the pupils plan to use to  
7 educate other pupils and members of the community about the  
8 various benefits of a specific local wildlife species, river, creek,  
9 wetland, or other natural area and to identify any impacts to that  
10 natural resource. Strategies may include, but need not be limited  
11 to, exhibits, ~~art work~~, public education forums, media events, oral  
12 presentations, ~~drama~~ *dance, music, theatre, visual arts*, and  
13 writing projects.

14 (3) An action plan designed to monitor and promote the  
15 conservation of the selected wildlife species or natural area, while  
16 seeking collaborative ways to resolve the identified impacts.

17 (b) Each participating school shall select a wildlife species or  
18 natural area based on the close proximity of the plant, animal,  
19 river, creek, wetlands, or other natural area, the feasibility of  
20 studying it, and the effectiveness of the course of action that might  
21 occur to preserve the species or area.

22 (c) Pupils shall be encouraged to use appropriate local and state  
23 resources, including science faculty and students in postsecondary  
24 education institutions and educational materials that are balanced  
25 and objective in their coverage of the current scientific and  
26 economic research on environmental and conservation issues, to  
27 obtain information to assist them in the selection of wildlife  
28 species or natural areas and the development of their proposals.

29 (d) School faculty and any advisers to pupils engaged in a  
30 wildlife or natural area conservation project pursuant to the Life  
31 Sciences and Conservation Education Project of 1998 shall ensure  
32 that pupils gain a full understanding and appreciation of the rights  
33 and responsibilities of public and private property owners under  
34 the Constitutions of the United States and California. Any projects  
35 or strategies undertaken pursuant to the Life Sciences and  
36 Conservation Education Project of 1998 shall respect the rights of  
37 private landowners and shall strive to build cooperative  
38 relationships within the community to protect local wildlife  
39 populations or natural areas.

(e) Pupils participating in the Life Sciences and Conservation Education Project of 1998 shall not as part of the project engage in activities for the purposes of influencing legislative or administrative action.

*SEC. 42.* Section 53029 of the Education Code is amended to read:

53029. (a) Except as provided in subdivision (b), intensive reading instruction provided pursuant to this article shall be offered four hours per day for six continuous weeks during the summer or when school is not regularly in session.

(b) Due to facilities constraints or for other educational reasons, a school district may offer intensive reading instruction before school, after school, on Saturdays, or during intersession, or in a combination of summer school, before school, after school, Saturday, or intersession instruction. Services may be provided to pupils during the regular instructional day if the instruction is delivered by a certificated employee, provided that the employee is not the pupil's regular classroom teacher, and does not result in the pupil being removed from regular classroom instruction. Instruction provided pursuant to this section shall fulfill the requirements of subdivision (a) of Section 44830 and of Section 44831. Other service providers should have appropriate training in the teaching of reading.

(c) Notwithstanding Section 49550 or any other provision of law, a school district that operates a program pursuant to this article is not required to provide a meal or snack to pupils participating in the program.

~~*SEC. 18.* Section 53083 of the Education Code is amended to read:~~

~~53083. (a) (1) Except as provided in paragraph (2), intensive prealgebra and algebra instruction provided pursuant to this chapter shall be offered four hours per day for six continuous weeks during the summer or when school is not regularly in session.~~

~~(2) Due to facilities constraints or for other educational reasons, a school district may offer intensive prealgebra and algebra instruction before school, after school, on Saturdays, or during intersession, or in a combination of summer school, before school, after school, Saturday, or intersession instruction.~~

~~(b) Instruction provided pursuant to this chapter shall fulfill the requirements of subdivision (a) of Section 44830 and of Section 44831.~~

~~(c) Notwithstanding Section 49550 or any other provision of law, a school district that operates a program pursuant to this chapter is not required to provide a meal or snack to pupils participating in the program.~~

~~SEC. 19.—~~

*SEC. 43. The heading of Chapter 17 (commencing with Section 53081) of Part 28 of the Education Code, as added by Chapter 404 of the Statutes of 2000, is amended to read:*

CHAPTER ~~17~~ 18. INTENSIVE ALGEBRA INSTRUCTION ACADEMIES  
PROGRAM

*SEC. 44. Section 53081 of the Education Code, as added by Chapter 404 of Statutes of 2000, is amended and renumbered to read:*

~~53081.—~~

53091. This chapter shall be known and may be cited as the Intensive Algebra Instruction Academies Program.

*SEC. 45. Section 53082 of the Education Code, as added by Chapter 404 of Statutes of 2000, is amended and renumbered to read:*

~~53082.—~~

53092. (a) A school district or charter school that maintains grade 7 or 8, or both, may operate a program that provides multiple, intensive opportunities for pupils in either of these grades to practice skills in prealgebra, algebra, or both. Funding for the program established pursuant to this chapter shall be provided pursuant to Section 42239.15.

(b) As a condition of receiving funding for this program, a school district or charter school in which one or more teachers participate in the program authorized by Section 99223 is required to offer instruction as described in subdivision (a), to be provided by the teachers attending that program. These school districts and charter schools shall offer this instruction only after those teachers have completed the program authorized by Section 99223. Nothing in this subdivision shall be interpreted as precluding teachers in these school districts who have not participated in the

1 program authorized by Section 99223 from providing instruction  
2 as described in subdivision (a).

3 (c) Pupils shall remain eligible for participation in the program  
4 established pursuant to this chapter for three calendar months after  
5 completing grade 8.

6 (d) The purposes of the program established by this chapter  
7 include, but are not limited to, both of the following:

8 (1) To provide pupils who are experiencing difficulty learning  
9 prealgebra and algebra with increased instructional opportunities.

10 (2) To provide stimulating and enriching opportunities for  
11 pupils to increase their prealgebra and algebra skills.

12 (e) (1) Instruction provided pursuant to this program shall  
13 include all of the following components:

14 (A) Mathematics principles generally used in a prealgebra  
15 course or an introductory algebra course.

16 (B) Ongoing diagnostic techniques that inform teaching and  
17 assessment.

18 (C) Early intervention techniques.

19 (2) Instruction provided pursuant to this chapter shall be  
20 consistent with state-adopted academic content standards and with  
21 the curriculum framework on mathematics adopted by the State  
22 Board of Education for kindergarten and grades 1 to 12, inclusive.

23 *SEC. 46. Section 53083 of the Education Code, as added by*  
24 *Chapter 404 of Statutes of 2000, is amended and renumbered to*  
25 *read:*

26 ~~53083.—~~

27 53093. (a) (1) Except as provided in paragraph (2),  
28 intensive prealgebra and algebra instruction provided pursuant to  
29 this chapter shall be offered four hours per day for six continuous  
30 weeks during the summer or when school is not regularly in  
31 session.

32 (2) Due to facilities constraints or for other educational  
33 reasons, a school district may offer intensive prealgebra and  
34 algebra instruction before school, after school, on Saturdays, or  
35 during intersession, or in a combination of summer school, after  
36 school, Saturday, or intersession instruction.

37 (b) Instruction provided pursuant to this chapter shall fulfill the  
38 requirements of subdivision (a) of Section 44830 and of Section  
39 44831.

(c) Notwithstanding Section 49550 or any other provision of law, a school district that operates a program pursuant to this chapter is not required to provide a meal or snack to pupils participating in the program.

*SEC. 47. Section 53084 of the Education Code, as added by Chapter 404 of Statutes of 2000, is amended and renumbered to read:*

~~53084.~~—

*53094.* The Superintendent of Public Instruction shall provide for an evaluation of the program established pursuant to this chapter on or before November 1, 2002. If funds are needed for this purpose, it is the intent of the Legislature that funds be appropriated for this purpose in the annual Budget Act.

*SEC. 48. Section 54746 of the Education Code is amended to read:*

*54746.* (a) In meeting the goals of the program and responding to the individual needs and differences of pupils and their children to be served, the funded agency shall complete an intake procedure regarding each pupil and child upon entry into the program and periodically as needed thereafter.

(b) Based upon the information provided during the intake procedure pursuant to subdivision (a), the funded agency shall determine appropriate levels and types of services to be provided. These services may not duplicate services currently provided to the pupil by a local Adolescent Family Life Program or Cal-Learn program. In addition to an academic program that meets district standards, necessary support services for pupils shall be funded by the calculation pursuant to paragraph (1) of subdivision (a) of Section 54749. Allowable expenditures for support services are as follows:

(1) Parenting education and life skills class.

(2) Perinatal education and care, including childbirth preparation.

(3) Safe home-to-school transportation.

(4) Case management services.

(5) Comprehensive health education including reproductive health care.

(6) Nutrition education, counseling, and meal supplements.

(7) School safety and violence prevention strategies targeted to pregnant and parenting teens and their children.

1 (8) Academic support and youth development services, such as  
2 tutoring, mentoring, and community service internships.

3 (9) Career counseling, preemployment skills, and job training.

4 (10) Substance abuse prevention education, counseling, and  
5 treatment services.

6 (11) Mental health assessment, interventions, and referrals.

7 (12) Crisis intervention counseling services, including suicide  
8 prevention.

9 (13) Peer support groups and counseling.

10 (14) Family support and development services, including  
11 individual and family counseling.

12 (15) Child and domestic abuse prevention education,  
13 counseling, and services.

14 (16) Enrichment and recreational activities, as appropriate.

15 (17) Services that facilitate transition to postsecondary  
16 education, training, or employment.

17 (18) Support services for grandparents, siblings, and fathers of  
18 babies who are not enrolled in the Cal-SAFE program.

19 (19) Outreach activities to identify eligible pupils and to  
20 educate the community about the realities of teen pregnancy and  
21 parenting.

22 (c) The funded agency shall provide child care and  
23 development program services located on or near the schoolsite for  
24 the children of teen parents enrolled in the Cal-SAFE program.  
25 Program services shall be funded by the revenue generated  
26 pursuant to paragraph (4) of subdivision (a) of Section 54749.

27 (1) Participation in the child care and development component  
28 of the Cal-SAFE program shall be voluntary.

29 (2) There is no minimum age for enrollment, but the child shall  
30 be eligible for enrollment in the child care and development  
31 component until the age of five years or the child is enrolled in  
32 kindergarten, whichever occurs first, as long as the teen parent is  
33 enrolled in the Cal-SAFE program.

34 (3) Each child shall have a health evaluation form signed by a  
35 physician, or his or her designee, before the child is allowed on the  
36 school campus or is enrolled in the child care and development  
37 program. Health screening and immunizations shall not be  
38 required when the custodial parent annually files a written request  
39 as provided for in Section 49451 and Section 120365 of the Health  
40 and Safety Code.

(4) A developmental profile shall be maintained for each infant, toddler, and child. This development profile shall be utilized by the program staff to design a program that meets the infant's, toddler's, or child's developmental needs.

(5) The arrangement of the child care site environment shall be safe, healthy, and comfortable for children and staff, easily maintained, and appropriate for meeting the developmental needs of the individual child. Child care sites shall meet the health and safety requirements specified in Chapter 1 (commencing with Section 1429 101151) of, and Chapter Subchapter 2 (commencing with Section 1442 101351) of, Division 12 of Title 22 of the California Code of Regulations.

(6) The child care and development component of the Cal-SAFE program shall operate pursuant to applicable sections of Chapter 2 (commencing with Section 8200) of Part 6. In addition to meeting the requirements of Section 8360, teachers shall have at least three semester units, or the equivalent number of quarter units, of coursework related to the care of infants and toddlers.

(7) The child care site shall be available as a laboratory for parenting or related courses that are offered by the funded agency with priority given to pupils enrolled in the Cal-SAFE program.

(d) Inservice training for school staff on teen pregnancy and parenting-related issues may be funded from revenue generated pursuant to paragraphs (1) and (4) of subdivision (a) of Section 54749. However, use of these funds for this purpose shall supplement and, not supplant, existing resources in these areas.

(e) The data base required pursuant to paragraph (14) of subdivision (c) of Section 54745 may be funded from revenue appropriated for purposes of subdivision (a) of Section 54749.

*SEC. 49. Section 54749 of the Education Code is amended to read:*

54749. (a) For the 2000–01 fiscal year and each fiscal year thereafter, a school district or county superintendent of schools participating in Cal-SAFE shall be eligible for state funding from funds appropriated for services provided for the purposes of the program as follows:

(1) A support services allowance of two thousand two hundred thirty-seven dollars (\$2,237) for each unit of average daily attendance generated by each pupil who has completed the intake

process pursuant to subdivision (a) of Section 54746 and is receiving services pursuant to subdivision (b) of Section 54746. This allowance shall be adjusted annually by the inflation factor set forth in subdivision (b) of Section 42238.1. In no event shall more than one support service allowance be generated by any pupil concurrently enrolled in more than one educational program.

This allowance may not be claimed for units of average daily attendance reported pursuant to the following:

(A) Subdivision (b) of Section 1982 for pupils attending county community schools operated pursuant to Chapter 6.5 of Part 2 (commencing with Section 1980).

(B) Pupils attending juvenile court schools operated pursuant to Article 2.5 (commencing with Section 48645) of Chapter 4 of Part 27.

(C) Pupils attending community day schools operated pursuant to Article 3 (commencing with Section 48660) of Chapter 4 of Part 27.

(D) Pupils attending county operated Cal-SAFE programs pursuant to this article whose attendance is reported pursuant to Section 2551.3.

(2) Average daily attendance and revenue limit funding for pupils receiving services in the Cal-SAFE program shall be computed pursuant to provisions and regulations applicable to the educational program or programs that each pupil attends, except as provided in paragraph (3).

(3) For attendance not claimed pursuant to paragraph (2), county offices of education may claim the statewide average revenue limit per unit of average daily attendance for high school districts, payable from Section A of the State School Fund, for the attendance of pupils receiving services in the Cal-SAFE program, provided that no other revenue limit funding is claimed for the same pupil and pupil attendance of no less than 240 minutes per day and is computed and maintained pursuant to Section 46300.

(4) Except as provided in subdivision (c) of Section 54749.5, operators of Cal-SAFE programs shall be reimbursed in accordance with the amount specified in subdivision (b) of Section 8265 and the amounts specified in subdivisions (a) and (b) of Section 8265.5 for each child receiving services pursuant to the Cal-SAFE program who is the child of teen parents enrolled in the Cal-SAFE program. To be eligible for funding pursuant to this

1 paragraph, the operational days of child care and development  
2 programs shall be only those necessary to provide child care  
3 services to children of pupils participating in Cal-SAFE.

4 (5) Notwithstanding paragraph (1), pupils for whom  
5 attendance is reported pursuant to subdivision (b) of Section 1982,  
6 pupils attending juvenile court schools, and pupils attending  
7 community day schools may complete the intake process for the  
8 Cal-SAFE program and, if the intake process is completed, shall  
9 receive services pursuant to subdivision (b) of Section 54746. The  
10 children of pupils receiving services in the Cal-SAFE program  
11 pursuant to subdivision (b) of Section 54746 and attending  
12 juvenile court schools, county community schools, or community  
13 day schools shall be eligible for funding pursuant to paragraph (4)  
14 and no other provisions of this section.

15 (b) Funds allocated pursuant to paragraph (1) of subdivision (a)  
16 shall be maintained in a separate account and shall be expended  
17 only to provide the supportive services enumerated in subdivisions  
18 (b) of Section 54746, in service training as specified in subdivision  
19 (d) of Section 54746, and expenditures enumerated in subdivision  
20 (d) of this section, to pupils enrolled in the Cal-SAFE program as  
21 determined pursuant to Section 54746.

22 (c) Funds allocated pursuant to paragraph (4) of subdivision (a)  
23 shall be maintained in a separate account and shall be expended  
24 only to provide developmentally appropriate child care and  
25 development services pursuant to subdivision (c) of Section 54746  
26 and staff development of child development program staff  
27 pursuant to subdivision (d) of Section 54746 for children of teen  
28 parents enrolled in the Cal-SAFE program for the purpose of  
29 promoting the children's development comparable to age norms,  
30 access to health and preventive services, and enhanced school  
31 readiness.

32 (d) Funds generated pursuant to Section 2551.3, *subdivision*  
33 *(b) of Section 54749.5*, and this section shall be maintained in a  
34 separate account and shall be expended only to provide the  
35 services enumerated in Section 54746 and the following  
36 expenditures as defined by the California State School Accounting  
37 Manual:

38 (1) Expenditures defined as direct costs of instructional  
39 programs.

40 (2) Expenditures defined as documented direct support costs.

1 (3) Expenditures defined as allocated direct support costs.

2 (4) Expenditures for indirect charges.

3 (5) Expenditures defined as facility costs, including the costs  
4 of renting, leasing, lease purchase, remodeling, or improving  
5 buildings.

6 (e) Indirect costs shall not exceed the lesser of the approved  
7 indirect cost rate or 10 percent.

8 (f) Expenditures that represent contract payments to  
9 community-based organizations and other governmental agencies  
10 pursuant to paragraph (10) of subdivision (b) of Section 54745 for  
11 the operation of a Cal-SAFE program shall be included in the  
12 Cal-SAFE program account.

13 (g) To the extent permitted by federal law, any funding made  
14 available to a school district or county superintendent of schools  
15 shall be subject to all of the following conditions:

16 (1) The program is open to all eligible pupils without regard to  
17 any pupil's religious beliefs or any other factor related to religion.

18 (2) No religious instruction is included in the program.

19 (3) The space in which the program is operated is not used in  
20 any manner to foster religion during the time used for operation of  
21 the program.

22 (h) A school district or county superintendent of schools  
23 implementing a Cal-SAFE program may establish a claims  
24 process to recover federal funds available for any services  
25 provided that are Medi-Cal eligible.

26 (i) For purposes of serving pupils enrolled in the Cal-SAFE  
27 program in a summer school program or enrolled in a school  
28 program operating more than 180 days, eligibility for child care  
29 services pursuant to subdivision (c) of Section 54746 shall be  
30 determined by the parent's hours of enrollment and shall be for  
31 only those hours necessary to further the completion of the parent's  
32 educational program.

33 (j) To meet startup costs for the opening of child care and  
34 development sites, as defined in subdivision (ac) of Section 8208,  
35 and applicable regulations, a school district or county office of  
36 education may apply for a one-time 15-percent service level  
37 exemption within the amount appropriated in the annual Budget  
38 Act for the purposes of paragraph (4) of subdivision (a) for each  
39 site meeting the provision of subdivision (ac) of Section 8208. To  
40 the extent that Budget Act funding is insufficient to cover the full

1 costs of Cal-SAFE child care, reimbursements to all participating  
2 programs shall be reduced on a pro rata basis. A school district or  
3 county office of education shall submit claims pursuant to this  
4 subdivision with other claims submitted pursuant to this section.  
5 Funding provided for startup costs shall be utilized for approvable  
6 startup costs enumerated in subdivision (a) of Section 8275.

7 (k) Notwithstanding any other provision of this article, its  
8 implementation of this article is contingent upon appropriations in  
9 the annual Budget Act for the purpose of its administration and  
10 evaluation by the State Department of Education.

11 (l) Notwithstanding any other provision of law, a charter school  
12 may apply for funding pursuant to this article and shall meet the  
13 requirements of this article to be eligible for funding pursuant to  
14 this section.

15 *SEC. 50. Section 56044 of the Education Code is repealed.*

16 ~~56044. Notwithstanding any other provision of law, state~~  
17 ~~funds may not be allocated to offset any federal funding intended~~  
18 ~~for individuals with exceptional needs, as defined in Section~~  
19 ~~56026, and withheld from a local educational agency due to the~~  
20 ~~agency's noncompliance with federal law.~~

21 *SEC. 51. Section 56200 of the Education Code is amended to*  
22 *read:*

23 56200. Each local plan submitted to the superintendent under  
24 this part shall contain all the following:

25 (a) Compliance assurances, including general compliance with  
26 the Individuals with Disabilities Education Act (20 U.S.C. Sec.  
27 1400 et seq.), Section 504 of the Rehabilitation Act of 1973 (29  
28 U.S.C. Sec. 794), and this part.

29 (b) A description of services to be provided by each district and  
30 county office. This description shall demonstrate that all  
31 individuals with exceptional needs shall have access to services  
32 and instruction appropriate to meet their needs as specified in their  
33 individualized education programs.

34 (c) (1) A description of the governance and administration of  
35 the plan, including the role of county office and district governing  
36 board members.

37 (2) Multidistrict plans, submitted pursuant to subdivision (b) or  
38 (c) of Section 56195.1, shall specify the responsibilities of each  
39 participating county office and district governing board in the  
40 policymaking process, the responsibilities of the superintendents

1 of each participating district and county in the implementation of  
2 the plan, and the responsibilities of district and county  
3 administrators of special education in coordinating the  
4 administration of the local plan.

5 (d) Copies of joint powers agreements or contractual  
6 agreements, as appropriate, for districts and counties that elect to  
7 enter into those agreements pursuant to subdivision (b) or (c) of  
8 Section ~~56170~~ 56195.1.

9 (e) An annual budget plan to allocate instructional personnel  
10 service units, support services, and transportation services directly  
11 to entities operating those services and to allocate regionalized  
12 services funds to the county office, responsible local agency, or  
13 other alternative administrative structure. The annual budget plan  
14 shall be adopted at a public hearing held by the district, special  
15 education local plan area, or county office, as appropriate. Notice  
16 of this hearing shall be posted in each school in the local plan area  
17 at least 15 days prior to the hearing. The annual budget plan may  
18 be revised during the fiscal year, and these revisions may be  
19 submitted to the superintendent as amendments to the allocations  
20 set forth in the plan. However, the revisions shall, prior to  
21 submission to the superintendent, be approved according to the  
22 policymaking process, established pursuant to paragraph (2) of  
23 subdivision (c).

24 (f) Verification that the plan has been reviewed by the  
25 community advisory committee and that the committee had at least  
26 30 days to conduct this review prior to submission of the plan to  
27 the superintendent.

28 (g) A description of the identification, referral, assessment,  
29 instructional planning, implementation, and review in compliance  
30 with Chapter 4 (commencing with Section 56300).

31 (h) A description of the process being utilized to meet the  
32 requirements of Section 56303.

33 (i) A description of the process being utilized to meet the  
34 requirements of the California Early Intervention Services Act,  
35 Title 14 (commencing with Section 95000) of the Government  
36 Code.

37 (j) A description of the process being utilized to oversee and  
38 evaluate placements in nonpublic, nonsectarian schools and the  
39 method for ensuring that all requirements of each pupil's  
40 individualized education program are being met. This description

1 shall include a method for evaluating whether the pupil is making  
2 appropriate educational progress.

3 *SEC. 52. Section 56207 of the Education Code is amended to*  
4 *read:*

5 56207. (a) No educational programs and services already in  
6 operation in school districts or a county office of education  
7 pursuant to Part 30 (commencing with Section 56000) shall be  
8 transferred to another school district or a county office of  
9 education or from a county office of education to a school district  
10 unless the special education local plan area has developed a plan  
11 for the transfer which addresses, at a minimum, all of the  
12 following:

13 (1) Pupil needs.

14 (2) The availability of the full continuum of services to affected  
15 pupils.

16 (3) The functional continuation of the current individualized  
17 education programs of all affected pupils.

18 (4) The provision of services in the least restrictive  
19 environment from which affected pupils can benefit.

20 (5) The maintenance of all appropriate support services.

21 (6) The assurance that there will be compliance with all federal  
22 and state laws and regulations and special education local plan area  
23 policies.

24 (7) The means through which parents and staff were  
25 represented in the planning process.

26 (b) The date on which the transfer will take effect may be no  
27 earlier than the first day of the second fiscal year beginning after  
28 the date on which the sending or receiving agency has informed the  
29 other agency and the governing body or individual identified in  
30 ~~paragraph (1) of subdivision (b)~~ *subparagraph (A) of paragraph*  
31 *(12) of subdivision (a)* of Section 56205, unless the governing  
32 body or individual identified in ~~paragraph (1) of subdivision (b)~~  
33 *subparagraph (A) of paragraph (12) of subdivision (a)* of Section  
34 56205 unanimously approves the transfer taking effect on the first  
35 day of the first fiscal year following that date.

36 (c) If either the sending or receiving agency disagree with the  
37 proposed transfer, the matter shall be resolved by the alternative  
38 resolution process established pursuant to ~~subdivision (d)~~  
39 *paragraph (5) of subdivision (b)* of Section 56205.

(d) Notwithstanding Section 56208, this section shall apply to all special education local plan areas commencing on July 1, 1998, whether or not a special education local plan area has submitted a revised local plan for approval or has an approved revised local plan pursuant to Section 56836.03.

*SEC. 53. Section 56366 of the Education Code is amended to read:*

56366. It is the intent of the Legislature that the role of the nonpublic, nonsectarian school or agency shall be maintained and continued as an alternative special education service available to districts, special education local plan areas, county offices, and parents.

(a) The master contract for nonpublic, nonsectarian school or agency services shall be developed in accordance with the following provisions:

(1) The master contract shall specify the general administrative and financial agreements between the nonpublic, nonsectarian school or agency and the district, special education local plan area, or county office to provide the special education and designated instruction and services, as well as transportation specified in the pupil's individualized education program. The administrative provisions of the contract also shall include procedures for recordkeeping and documentation, and the maintenance of school records by the contracting district, special education local plan area, or county office to ensure that appropriate high school graduation credit is received by the pupil. The contract may allow for partial or full-time attendance at the nonpublic, nonsectarian school.

(2) (A) The master contract shall include an individual services agreement for each pupil placed by a district, special education local plan area, or county office that will be negotiated for the length of time for which nonpublic, nonsectarian school or agency special education and designated instruction and services are specified in the pupil's individualized education program.

(B) The master contract shall include a description of the process being utilized by the school district, county office of education, or special education local plan area to oversee and evaluate placements in nonpublic, nonsectarian schools. This description shall include a method for evaluating whether the pupil is making appropriate educational progress.

1 (3) Changes in educational instruction, services, or placement  
2 provided under contract may only be made on the basis of  
3 revisions to the pupil's individualized education program.

4 At any time during the term of the contract or individual services  
5 agreement, the parent; nonpublic, nonsectarian school or agency;  
6 or district, special education local plan area, or county office may  
7 request a review of the pupil's individualized education program  
8 by the individualized education program team. Changes in the  
9 administrative or financial agreements of the master contract that  
10 do not alter the individual services agreement that outlines each  
11 pupil's educational instruction, services, or placement may be  
12 made at any time during the term of the contract as mutually agreed  
13 by the nonpublic, nonsectarian school or agency and the district,  
14 special education local plan area, or county office.

15 (4) The master contract or individual services agreement may  
16 be terminated for cause. The cause shall not be the availability of  
17 a public class initiated during the period of the contract unless the  
18 parent agrees to the transfer of the pupil to a public school  
19 program. To terminate the contract either party shall give 20 days'  
20 notice.

21 (5) The nonpublic, nonsectarian school or agency shall provide  
22 all services specified in the individualized education program,  
23 unless the nonpublic, nonsectarian school or agency and the  
24 district, special education local plan area, or county office agree  
25 otherwise in the contract or individualized services agreement.

26 (6) Related services provided pursuant to a nonpublic,  
27 nonsectarian agency master contract shall only be provided during  
28 the period of the child's regular or extended school year program,  
29 or both, unless otherwise specified by the pupil's individualized  
30 education program.

31 (7) The nonpublic, nonsectarian school or agency shall report  
32 attendance of pupils receiving special education and designated  
33 instruction and services as defined by Section 46307 for purposes  
34 of submitting a warrant for tuition to each contracting district,  
35 special education local plan area, or county office.

36 (b) The master contract or individual services agreement shall  
37 not include special education transportation provided through the  
38 use of services or equipment owned, leased, or contracted by a  
39 district, special education local plan area, or county office for  
40 pupils enrolled in the nonpublic, nonsectarian school or agency

1 unless provided directly or subcontracted by that nonpublic,  
2 nonsectarian school or agency.

3 The superintendent shall withhold 20 percent of the amount  
4 apportioned to a school district or county office for costs related  
5 to the provision of nonpublic, nonsectarian school or agency  
6 placements if the superintendent finds that the local education  
7 agency is in noncompliance with this subdivision. This amount  
8 shall be withheld from the apportionments in the fiscal year  
9 following the superintendent's finding of noncompliance. The  
10 superintendent shall take other appropriate actions to prevent  
11 noncompliant practices from occurring and report to the  
12 Legislature on those actions.

13 (c) (1) If the pupil is enrolled in the nonpublic, nonsectarian  
14 school or agency with the approval of the district, special  
15 education local plan area, or county office prior to agreement to a  
16 contract or individual services agreement, the district, special  
17 education local plan area, or county office shall issue a warrant,  
18 upon submission of an attendance report and claim, for an amount  
19 equal to the number of creditable days of attendance at the per diem  
20 tuition rate agreed upon prior to the enrollment of the pupil. This  
21 provision shall be allowed for 90 days during which time the  
22 contract shall be consummated.

23 (2) If after 60 days the master contract or individual services  
24 agreement has not been finalized as prescribed in paragraph (1) of  
25 subdivision (a), either party may appeal to the county  
26 superintendent of schools, if the county superintendent is not  
27 participating in the local plan involved in the nonpublic,  
28 nonsectarian school or agency contract, or the superintendent, if  
29 the county superintendent is participating in the local plan  
30 involved in the contract, to negotiate the contract. Within 30 days  
31 of receipt of this appeal, the county superintendent ~~or the~~  
32 ~~superintendent~~, or his or her designee, shall ~~mediate the~~  
33 ~~formulation of a contract~~ *render a decision that shall be the final*  
34 *administrative decision* which shall be binding upon both parties.

35 (d) No master contract for special education and related  
36 services provided by a nonpublic, nonsectarian school or agency  
37 shall be authorized under this part unless the school or agency has  
38 been certified as meeting those standards relating to the required  
39 special education and specified related services and facilities for  
40 individuals with exceptional needs. The certification shall result

1 in the school's or agency's receiving approval to educate pupils  
2 under this part for a period no longer than four years from the date  
3 of the approval.

4 (e) By September 30, 1998, the procedures, methods, and  
5 regulations for the purposes of contracting for nonpublic,  
6 nonsectarian school and agency services pursuant to this section  
7 and for reimbursement pursuant to Sections 56836.16 and  
8 56836.20 shall be developed by the superintendent in consultation  
9 with statewide organizations representing providers of special  
10 education and designated instruction and services. The regulations  
11 shall be established by rules and regulations issued by the board.

12 *SEC. 54. Section 56366.1 of the Education Code is amended*  
13 *to read:*

14 56366.1. (a) A nonpublic, nonsectarian school or agency that  
15 seeks certification shall file an application with the superintendent  
16 on forms provided by the department and include the following  
17 information on the application:

18 (1) A description of the special education and designated  
19 instruction and services provided to individuals with exceptional  
20 needs if the application is for nonpublic, nonsectarian school  
21 certification.

22 (2) A description of the designated instruction and services  
23 provided to individuals with exceptional needs if the application  
24 is for nonpublic, nonsectarian agency certification.

25 (3) A list of appropriately qualified staff, a description of the  
26 credential, license, or registration that qualifies each staff member  
27 to render special education or designated instruction and services,  
28 and copies of their credentials, licenses, or certificates of  
29 registration with the appropriate state or national organization that  
30 has established standards for the service rendered.

31 (4) An annual operating budget.

32 (5) Affidavits and assurances necessary to comply with all  
33 applicable federal, state, and local laws and regulations which  
34 include criminal record summaries required of all nonpublic  
35 school or agency personnel having contact with minor children  
36 under Section 44237.

37 ~~(b) Unless the board grants a waiver pursuant to Section 56101,~~  
38 ~~a nonpublic, nonsectarian school or agency shall file an~~  
39 ~~application for certification between January 1 and June 30.~~

1 ~~(e)~~ If the applicant operates a facility or program on more than  
2 one site, each site shall be certified.

3 ~~(d)~~

4 (c) If the applicant is part of a larger program or facility on the  
5 same site, the superintendent shall consider the effect of the total  
6 program on the applicant. A copy of the policies and standards for  
7 the nonpublic, nonsectarian school or agency and the larger  
8 program shall be available to the superintendent.

9 ~~(e)~~

10 (d) Prior to certification, the superintendent shall conduct an  
11 onsite review of the facility and program for which the applicant  
12 seeks certification. The superintendent may be assisted by  
13 representatives of the special education local plan area in which the  
14 applicant is located and a nonpublic, nonsectarian school or  
15 agency representative who does not have a conflict of interest with  
16 the applicant. The superintendent shall conduct an additional  
17 onsite review of the facility and program within four years of the  
18 certification effective date, unless the superintendent  
19 conditionally certifies the school or agency or unless the  
20 superintendent receives a formal complaint against the school or  
21 agency. In the latter two cases, the superintendent shall conduct an  
22 onsite review at least annually.

23 ~~(f)~~

24 (e) The superintendent shall make a determination on an  
25 application within 120 days of receipt of the application and shall  
26 certify, conditionally certify, or deny certification to the applicant.  
27 If the superintendent fails to take one of these actions within 120  
28 days, the applicant is automatically granted conditional  
29 certification for a period terminating on August 31, of the current  
30 school year. If certification is denied, the superintendent shall  
31 provide reasons for the denial. The superintendent may certify the  
32 school or agency for a period of not longer than four years.

33 ~~(g)~~

34 (f) Certification becomes effective on the date the nonpublic,  
35 nonsectarian school or agency meets all the application  
36 requirements and is approved by the superintendent. Certification  
37 may be retroactive if the school or agency met all the requirements  
38 of this section on the date the retroactive certification is effective.  
39 Certification expires on December 31 of the terminating year.

40 ~~(h)~~

1 (g) The superintendent shall annually review the certification  
2 of each nonpublic, nonsectarian school and agency. For this  
3 purpose, a certified school or agency shall annually update its  
4 application between August 1 and October 31, unless the board  
5 grants a waiver pursuant to Section 56101. The superintendent  
6 may conduct an onsite review as part of the annual review.

7 ~~(i)~~

8 (h) The superintendent may monitor a nonpublic, nonsectarian  
9 school or agency onsite at any time without prior notice when there  
10 is substantial reason to believe that there is an immediate danger  
11 to the health, safety, or welfare of a child. The superintendent shall  
12 document the concern and submit it to the nonpublic, nonsectarian  
13 school or agency at the time of the onsite monitoring. The  
14 superintendent shall require a written response to any  
15 noncompliance or deficiency found.

16 ~~(j)~~

17 (i) (1) Notwithstanding any other provision of law, the  
18 superintendent may not certify a nonpublic, nonsectarian school  
19 or agency that proposes to initiate or expand services to pupils  
20 currently educated in the immediate prior fiscal year in a juvenile  
21 court program, community school pursuant to Section 56150, or  
22 other nonspecial education program, including independent study  
23 or adult school, or both, unless the nonpublic, nonsectarian school  
24 or agency notifies the county superintendent of schools and the  
25 special education local plan area in which the proposed new or  
26 expanded nonpublic, nonsectarian school or agency is located of  
27 its intent to seek certification.

28 (2) The notification shall occur no later than the December 1  
29 prior to the new fiscal year in which the proposed or expanding  
30 school or agency intends to initiate services. The notice shall  
31 include the following:

32 (A) The specific date upon which the proposed nonpublic,  
33 nonsectarian school or agency is to be established.

34 (B) The location of the proposed program or facility.

35 (C) The number of pupils proposed for services, the number of  
36 pupils currently served in the juvenile court, community school,  
37 or other nonspecial education program, the current school services  
38 including special education and related services provided for these  
39 pupils, and the specific program of special education and related  
40 services to be provided under the proposed program.

(D) The reason for the proposed change in services.

(E) The number of staff that will provide special education and designated instruction and services and hold a current valid California credential or license in the service rendered or certificate of registration to provide occupational therapy.

(3) In addition to the requirements in subdivisions (a) through (e), inclusive, the superintendent shall require and consider the following in determining whether to certify a nonpublic, nonsectarian school or agency as described in this subdivision:

(A) A complete statement of the information required as part of the notice under paragraph (1).

(B) Documentation of the steps taken in preparation for the conversion to a nonpublic, nonsectarian school or agency, including information related to changes in the population to be served and the services to be provided pursuant to each pupil's individualized education program.

(4) Unless the board grants a waiver pursuant to Section 56101, a new or expanded nonpublic, nonsectarian school or agency shall file an application for certification between January 1 and June 30 of each year prior to the fiscal year. Before certifying the school or agency, the superintendent shall determine that certification of the new or expanding school or agency program is necessary for the provision of a free appropriate special education program to the affected pupils in the least restrictive environment.

(5) Notwithstanding any other provision of law, the certification becomes effective no earlier than July 1, if the school or agency provided the notification required pursuant to paragraph (1).

~~(k)~~

(j) The school or agency shall be charged a reasonable fee for certification. The superintendent may adjust the fee annually commensurate with the statewide average percentage inflation adjustment computed for revenue limits of unified school districts with greater than 1,500 units of average daily attendance if the percentage increase is reflected in the district revenue limit for inflation purposes. For purposes of this section, the base fee shall be the following:

(1)	1– 5 pupils	.....	\$	150
(2)	6–10 pupils	.....		250

1	(3) 11–24 pupils .....	500
2	(4) 25–75 pupils .....	750
3	(5) 76 pupils and over .....	1,000

4

5 The school or agency shall pay this fee when it applies for  
6 certification and when it updates its application for annual review  
7 by the superintendent. The superintendent shall use these fees to  
8 conduct onsite reviews, which may include field experts. No fee  
9 shall be refunded if the application is withdrawn or is denied by the  
10 superintendent.

11 ~~(f)~~

12 (k) (1) Notwithstanding any other provision of law, only those  
13 nonpublic, nonsectarian schools and agencies that provide special  
14 education and designated instruction and services utilizing staff  
15 who hold, or are receiving training under the supervision of staff  
16 who hold, a current valid California credential or license in the  
17 service rendered shall be eligible to receive certification. Only  
18 those nonpublic, nonsectarian schools or agencies located outside  
19 of California that employ staff who hold a current valid credential  
20 or license to render special education and related services as  
21 required by that state shall be eligible to be certified.

22 (2) Nothing in this subdivision restricts student teachers,  
23 interns, or other staff who are enrolled in training programs that  
24 lead to a license or credential that authorize the holder to render  
25 services to special education pupils and who are under the direct  
26 supervision of a staff member who holds a current valid California  
27 credential, license, or certificate of registration document.

28 (3) A nonpublic, nonsectarian school or agency that employs  
29 only persons who hold a valid California credential authorizing  
30 substitute teaching pursuant to Section 56060 shall not be  
31 certified. At least one full-time person with a current valid  
32 California credential, license, or certificate of registration in the  
33 area of service to be rendered, or a current valid credential, license,  
34 or certificate of registration for appropriate special education and  
35 related services rendered that is required in another state, shall be  
36 required for purposes of certification under subdivision (d) of  
37 Section 56366.

38 (4) A nonpublic, nonsectarian school or agency that employs  
39 persons holding a valid emergency credential shall document  
40 efforts of recruiting appropriately credentialed, licensed, or



1 registered personnel for the special education and related services  
2 rendered as a condition of renewing certification.

3 (5) Not later than August 1, 1997, the State Board of Education  
4 shall issue emergency regulations to implement the subdivision.  
5 The emergency regulations shall be developed by the  
6 Superintendent of Public Instruction, in collaboration with the  
7 Commission on Teacher Credentialing and other public agencies  
8 responsible for issuing licenses or certificates of registration to  
9 individuals providing designated instruction and services to  
10 individuals with exceptional needs. The regulations also shall be  
11 developed in consultation with statewide organizations  
12 representing public and nonpublic, nonsectarian schools or  
13 agencies that provide special education and designated instruction  
14 and services. The emergency regulations shall include, but shall  
15 not be necessarily limited to, all of the following:

16 (A) Requirements for minimum personnel qualifications for  
17 credentials to provide special education to individuals with  
18 exceptional needs issued by the Commission on Teacher  
19 Credentialing pursuant to this code and applicable federal laws.

20 (B) Requirements for minimum personnel qualifications for  
21 licenses or certificates of registration to provide designated  
22 instruction and services to individuals with exceptional needs  
23 issued by the California Board of Medical Quality Assurance, the  
24 Board of Behavioral Science Examiners, the Board of Consumer  
25 Affairs, and other state licensure agencies that are authorized  
26 under the Business and Professions Code to grant licenses or  
27 certificates of registration that may be applicable to the provision  
28 of designated instruction and services to individuals with  
29 exceptional needs.

30 (C) Requirements for personnel who are not licensed or  
31 credentialed to provide special education or designated instruction  
32 and services to pupils under the supervision of a credentialed or  
33 licensed professional in the service rendered, including direct and  
34 nondirect supervision requirements established by this code and  
35 the Business and Professions Code, and related regulations.

36 (D) Requirements for the certification of nonpublic,  
37 nonsectarian schools and agencies to provide individual and group  
38 designated instruction and services to individuals with exceptional  
39 needs.

(6) For purposes of the Administrative Procedure Act, the Legislature declares that the regulations issued pursuant to paragraph (5) shall be deemed to be in response to an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare by ensuring that all personnel providing special education and designated instruction and services to individuals with exceptional needs are appropriately qualified to provide the services specified by a pupil's individualized education program.

~~(m)~~

(l) The superintendent shall establish guidelines for the implementation of subdivision (a) in consultation with statewide organizations representing providers of special education and designated instruction and services. The State Board of Education shall approve the standards not later than August 1, 1997.

~~(n) (1)~~

(m) (1) By September 30, 1998, the superintendent shall, in consultation with statewide organizations representing providers of special education and designated instruction and services, develop the procedures, methods, and areas of certification, including, but not limited to, the following:

(A) Information required for purposes of the application specified in subdivision (a).

(B) Procedures for conducting onsite reviews of the nonpublic, nonsectarian school or agency program.

(C) Provisions specific to minimum staff qualifications to provide special education and designated instruction and services that are required for certification.

(D) Provisions specific to the provision of special education and related services to individuals with exceptional needs from birth to preschool.

(2) The board shall issue as rules and regulations the procedures, methods, and areas of certification developed pursuant to paragraph (1).

~~(o)~~

(n) In addition to meeting the standards adopted by the board, a nonpublic, nonsectarian school or agency shall provide written assurances that it meets all applicable standards relating to fire, health, sanitation, and building safety.

1     *SEC. 55. Section 56391 of the Education Code is amended to*  
2     *read:*

3     56391. An individual with exceptional needs who meets the  
4     criteria for a certificate or document described in Section ~~56375~~  
5     56390 shall be eligible to participate in any graduation ceremony  
6     and any school activity related to graduation in which a pupil of  
7     similar age without disabilities would be eligible to participate.  
8     The right to participate in graduation ceremonies does not equate  
9     a certificate or document described in Section ~~56375~~ 56390 with  
10    a regular high school diploma.

11    *SEC. 56. Section 56836.02 of the Education Code is amended*  
12    *to read:*

13    56836.02. (a) The superintendent shall apportion funds from  
14    Section A of the State School Fund to districts and county offices  
15    of education in accordance with the allocation plan adopted  
16    pursuant to Section 56836.05, unless the allocation plan specifies  
17    that funds be apportioned to the administrative unit of the special  
18    education local plan area. If the allocation plan specifies that funds  
19    be apportioned to the administrative unit of the special education  
20    local plan area, the administrator of the special education local  
21    plan area shall, upon receipt, distribute the funds in accordance  
22    with the method adopted pursuant to subdivision (i) of Section  
23    56195.7. The allocation plan shall, prior to submission to the  
24    superintendent, be approved according to the local policymaking  
25    process established by the special education local plan area.

26    (b) The superintendent shall apportion funds for regionalized  
27    services and program specialists from Section A of the State  
28    School Fund to the administrative unit of each special education  
29    local plan area. Upon receipt, the administrator of a special  
30    education local plan area shall direct the administrative unit of the  
31    special education local plan area to distribute the funds in  
32    accordance with the ~~allocation~~ *budget* plan adopted pursuant to  
33    *paragraph (1) of subdivision (f) (b) of Section 56205.*

34    *SEC. 57. Section 60061 of the Education Code is amended to*  
35    *read:*

36    60061. (a) A publisher or manufacturer shall do all of the  
37    following:

38    (1) Furnish the instructional materials offered by the publisher  
39    at a price in this state that, including all costs of transportation to  
40    that place, does not exceed the lowest price at which the publisher

1 offers those instructional materials for adoption or sale to any state  
2 or school district in the United States.

3 (2) Automatically reduce the price of those instructional  
4 materials to any governing board to the extent that reductions are  
5 made elsewhere in the United States.

6 (3) Provide any instructional materials free of charge in this  
7 state to the same extent as that received by any state or school  
8 district in the United States.

9 (4) Guarantee that all copies of any instructional materials sold  
10 in this state are at least equal in quality to the copies of those  
11 instructional materials that are sold elsewhere in the United States,  
12 and are kept revised, free from all errors, and up to date as may be  
13 required by the state board.

14 (5) Not in any way, directly or indirectly, become associated or  
15 connected with any combination in restraint of trade in  
16 instructional materials, or enter into any understanding,  
17 agreement, or combination to control prices or restrict competition  
18 in the sale of instructional materials for use in this state.

19 (6) Maintain a representative, office, or depository in the State  
20 of California or arrange with an independently owned and  
21 operated depository in the State of California to receive and fill  
22 orders for instructional materials.

23 (7) Provide to the state, at no cost, computer files or other  
24 electronic versions of each state-adopted literary title and the right  
25 to transcribe, reproduce, modify, and distribute the material in  
26 Braille, large print if the publisher does not offer a large print  
27 edition, recordings, American Sign Language videos for the deaf,  
28 or other specialized accessible media exclusively for use by pupils  
29 with visual disabilities or other disabilities that prevent use of  
30 standard instruction materials. Computer files or other electronic  
31 versions *of instructional materials adopted for kindergarten and*  
32 *grades 1 to 8, inclusive, and for grades 9 to 12, inclusive,* shall be  
33 provided within 30 days of adoption and ~~shall be requested a~~  
34 *request* by the state as needed for the following purposes:

35 (A) Computer files or other electronic versions of literary titles  
36 shall maintain the structural integrity of the standard instruction  
37 materials, be compatible with commonly used Braille translation  
38 and speech synthesis software, and include corrections and  
39 revisions as may be necessary.



(B) Computer files or other electronic versions of nonliterary titles, including science and mathematics, shall be provided when technology is available to convert those materials to a format that maintains the structural integrity of the standard instructional materials and is compatible with Braille translation and speech synthesis software.

(b) Upon the willful failure of the publisher or manufacturer to comply with the requirements of this section, the publisher or manufacturer be liable to the governing board in the amount of three times the total sum that the publisher or manufacturer was paid in excess of the price required under paragraphs (1), (2), and (5) of subdivision (a), and in the amount of three times the total value of the instructional materials and services that the governing board is entitled to receive free of charge under subdivision (a).

~~SEC. 20.—~~

*SEC. 58.* Section 60240 of the Education Code is amended to read:

60240. (a) The State Instructional Materials Fund is hereby continued in existence in the State Treasury. The fund shall be a means of annually funding the acquisition of instructional materials as required by the Constitution of the State of California. Notwithstanding Section 13340 of the Government Code, all money in the fund is continuously appropriated to the State Department of Education without regard to fiscal years for carrying out the purposes of this part. It is the intent of the Legislature that the fund shall provide for flexibility of instructional materials.

(b) The State Department of Education shall administer the fund under policies established by the state board.

(c) (1) The state board shall encumber part of the fund to pay for accessible instructional materials to accommodate pupils who are visually impaired pursuant to Sections 60312 and 60313 or have other disabilities and are unable to access the general curriculum.

(2) The state board may encumber funds, in an amount not to exceed two hundred thousand dollars (\$200,000), for replacement of instructional materials, obtained by a school district with its allowance that are lost or destroyed by reason of fire, theft, natural disaster, or vandalism.

(3) The state board may encumber funds for the costs of warehousing and transporting instructional materials it has acquired.

~~SEC. 21.—~~

~~SEC. 59.~~ Section 60313 of the Education Code is amended to read:

60313. (a) The Superintendent of Public Instruction shall maintain a central clearinghouse-depository and duplication center for the design, production, modification, and distribution of Braille, large print, special recordings, and other accessible versions of instructional materials for use by pupils with visual impairments or other disabilities who are enrolled in the public schools of California.

(b) Assistive devices placed in the depository shall consist of items designed for use by pupils with visual impairments.

(c) The instructional materials in specialized media shall be available, *in a manner determined by the State Board of Education*, to other pupils with disabilities enrolled in the public schools of California who are unable to progress in the general curriculum; using conventional print copies of textbooks and other study materials.

(d) The specialized textbooks, reference books, recordings, study materials, tangible apparatus, equipment, and other similar items shall be available for use by students with visual impairments enrolled in the public community colleges, the California State University, and the University of California.

~~SEC. 22.—Section 27316 of the Vehicle Code is amended to read:~~

~~27316. (a) Unless specifically prohibited by the National Highway Transportation Safety Administration, all schoolbuses manufactured on or after January 1, 2004, and purchased or leased for use in California shall be equipped at all designated seating positions with a combination pelvic and upper torso passenger restraint system.~~

~~(b) For purposes of this section, a “passenger restraint system” is a restraint system that is in compliance with Federal Motor Vehicle Safety Standard 209, for a type 2 seatbelt assembly, and with Federal Motor Vehicle Safety Standard 210, as those standards were in effect on the date the schoolbus was manufactured.~~

1 ~~(c) No person, school district, or organization, with respect to~~  
2 ~~a schoolbus equipped with passenger restraint systems pursuant to~~  
3 ~~this section, may be charged for a violation of this code or any~~  
4 ~~regulation adopted thereunder requiring a passenger to use a~~  
5 ~~passenger restraint system, if a passenger on the schoolbus fails to~~  
6 ~~use or improperly uses the passenger restraint system.~~

7 ~~(d) It is the intent of the Legislature that, in implementing this~~  
8 ~~section, school pupil transportation providers work to prioritize~~  
9 ~~the allocation of schoolbuses purchased, leased, or contracted for~~  
10 ~~after January 1, 2004, to ensure that elementary-level schoolbus~~  
11 ~~passengers receive first priority for new schoolbuses whenever~~  
12 ~~feasible.~~

13 ~~SEC. 23.—~~

14 *SEC. 60. Section 60400 of the Education Code is amended to*  
15 *read:*

16 60400. The ~~district~~ governing board of each *school* district  
17 maintaining one or more high schools shall adopt ~~textbooks~~  
18 *instructional materials* for use in the high schools under its control.  
19 Only ~~textbooks~~ *instruction materials* of those publishers who  
20 comply with the requirements of Article 3 (commencing with  
21 Section 60040) and Article 4 (commencing with Section 60060)  
22 of Chapter 1 of this part and of Section 60226 may be adopted by  
23 the district board.

24 *SEC. 61. Section 63051 of the Education Code is amended to*  
25 *read:*

26 63051. (a) The Superintendent of Public Instruction, with the  
27 approval of the State Board of Education, shall select not more  
28 than 75 school districts that apply to participate in the pilot project  
29 established pursuant to this chapter.

30 (b) Each school district that applies to participate in the pilot  
31 project established pursuant to this chapter shall submit a project  
32 budget with the application. The project budget shall specify how  
33 categorical program funding will be allocated or reallocated under  
34 the pilot project. No school district may participate in the pilot  
35 project unless the district's proposed plan is approved by the State  
36 Board of Education.

37 (c) The superintendent shall determine the 25 largest school  
38 districts in the state on the basis of pupil enrollment as of October  
39 1999. From this list, the superintendent shall select no more than  
40 one school district from the largest five school districts and no

1 more than four school districts from the remaining 20 largest  
2 school districts to participate in the pilot project. If more than one  
3 of the largest five school districts applies, or more than four school  
4 districts from the remaining 20 school districts applies, the  
5 superintendent shall select those school districts to participate in  
6 the pilot project by lottery.

7 (d) After making selections pursuant to subdivision (b), the  
8 superintendent may select up to 70 additional participants from  
9 applicant school districts. The superintendent shall ensure that  
10 participating school districts are broadly representative of the  
11 state, including small school districts, urban school districts, rural  
12 school districts, suburban school districts, elementary school  
13 districts, high school districts, and unified school districts.

14 (e) A school district approved for participation shall have a  
15 minimum of five years of ~~funding~~ *expenditure* flexibility as  
16 described in this chapter commencing on and after the 2000–01  
17 fiscal year.

18 *SEC. 62. Section 63052 of the Education Code is amended to*  
19 *read:*

20 63052. (a) A school district participating in the pilot project  
21 is exempt from the program requirements and regulations for those  
22 categorical education programs listed in Section 63050.

23 (b) Notwithstanding any other provision of law, a school  
24 district participating in the pilot project shall receive the same  
25 amount of funds for the *following* categorical programs  
26 ~~constituting the three clusters described in Section 63050~~ while  
27 participating in the pilot project as the school district received for  
28 those programs in the year prior to participation in the pilot project,  
29 plus growth and cost-of-living adjustments if approved in the  
30 annual Budget Act. ~~However, nothing in this section shall be~~  
31 ~~construed to allow program expansion for any of the categorical~~  
32 ~~programs contained in the clusters specified in Section 63050 that~~  
33 ~~are also included in subdivision (b) of Section 63051. All funding~~  
34 ~~for those programs is suspended for the duration of the district's~~  
35 ~~pilot program participation, if the funding for the categorical~~  
36 ~~program is allocated directly from the state to the county treasurer~~  
37 ~~on behalf of the participating school district. For categorical~~  
38 ~~programs from the following list that are allocated to the~~  
39 ~~participating school district from a county office of education or~~  
40 ~~some other nonstate entity, the participating school district and~~

1 *nonstate entity may determine whether the participating school*  
2 *district may include funding for those programs in a cluster*  
3 *pursuant to the provisions of this chapter:*

4 (1) *Administrator training and education as set forth in Article*  
5 *3 (commencing with Section 44681) of Chapter 3.1 of Part 25.*

6 (2) *Agricultural vocational education incentives as set forth in*  
7 *Article 7.5 (commencing with Section 52460) of Chapter 9 of Part*  
8 *28.*

9 (3) *Bilingual Teacher Training and Assistance as set forth in*  
10 *Article 4 (commencing with Section 52180) of Chapter 7 of Part*  
11 *28.*

12 (4) *California Indian education centers as set forth in Article*  
13 *6 (commencing with Section 33380) of Chapter 3 of Part 20.*

14 (5) *Demonstration programs in intensive instruction as set*  
15 *forth in Chapter 4 (commencing with Section 58600) of Part 31.*

16 (6) *Dropout prevention as set forth in Article 6 (commencing*  
17 *with Section 52890) of, and Article 7 (commencing with Section*  
18 *52900) of Chapter 12 of Part 28, Article 7 (commencing with*  
19 *Section 54720) of Chapter 9 of Part 29, and Chapter 3.5*  
20 *(commencing with Section 58550) of Part 31.*

21 (7) *Early Intervention for School Success as set forth in Article*  
22 *4.5 (commencing with Section 58685) of Chapter 9 of Part 29.*

23 (8) *Intersegmental Staff Development.*

24 (9) *High school coach training as set forth in Article 4.5*  
25 *(commencing with Section 35179) of Chapter 2 of Part 21.*

26 (10) *Home-to-school transportation as set forth in Article 10*  
27 *(commencing with Section 41850) of Chapter 5 of, and Article 4.5*  
28 *(commencing with Section 42290) of Chapter 7 of Part 24.*

29 (11) *Reader services for the blind as set forth in Article 8.5*  
30 *(commencing with Section 45370) of Chapter 5 of Part 25.*

31 (12) *Resource consortia as set forth in Article 2 (commencing*  
32 *with Section 44680) of Chapter 3.1 of Part 25.*

33 (13) *School-based management and advanced career*  
34 *opportunities for classroom teachers as set forth in Article 12*  
35 *(commencing with Section 44666) of Chapter 3 of Part 25.*

36 (14) *Specialized secondary program grants as set forth in*  
37 *Chapter 6 (commencing with Section 58800) of Part 31.*

38 (15) *Student vocational education organizations as set forth in*  
39 *subdivision (b) of Section 19632 of the Business and Professions*  
40 *Code.*

1     (16) *Voluntary desegregation as set forth in Section 42247 and*  
2     *42249.*

3     (17) *Year-round school grants as set forth in Article 3*  
4     *(commencing with Section 42260) of Chapter 7 of Part 24.*

5     (c) *A school district participating in the pilot project not*  
6     *receiving funds for any of the categorical programs listed in*  
7     *subdivision (b), may apply for funding while participating in the*  
8     *pilot project subject to the application and eligibility requirements*  
9     *of those programs. If the school district is approved to receive*  
10    *funding, the school district shall comply with the statutory and*  
11    *regulatory requirements of those programs for the first fiscal year*  
12    *the school district receives funds for the programs, and the funds*  
13    *shall not be included in the appropriate cluster described in*  
14    *Section 63050. The school district may choose to include the funds*  
15    *in the appropriate cluster in the following fiscal year and each*  
16    *subsequent fiscal year for the life of the pilot project.*

17    (d) *For a school district participating in the pilot project,*  
18    *funding for the following categorical programs shall be*  
19    *determined according to statutes and regulations governing the*  
20    *allocation of funds for these programs:*

21    (1) *Economic Impact Aid (Article 2 (commencing with Section*  
22    *54020) of Chapter 1 of Part 29).*

23    (2) *Foster youth programs as set forth in Chapter 11.3*  
24    *(commencing with Section 42920) of Part 24.*

25    (3) *Gifted and Talented Pupils (Chapter 8 (commencing with*  
26    *Section 52200) of Part 28).*

27    (4) *Improvement of elementary and secondary education as set*  
28    *forth in Chapter 6 (commencing with Section 52000) of Part 28.*

29    (5) *Miller-Unruh Basic Reading Act of 1965 (Chapter 2*  
30    *(commencing with Section 54100) of Part 29).*

31    (6) *Opportunity classes and programs as set forth in Article 2.3*  
32    *(commencing with Section 48643) of Chapter 4 of Part 27.*

33    (7) *School development plans as set forth in Article 1*  
34    *(commencing with Section 44670.1) of Chapter 3.1 of Part 25.*

35    (8) *Tenth grade counseling as set forth in Sections 48431.6 and*  
36    *48431.7.*

37    ~~(e)–~~

38    (e) *A school district participating in the pilot project shall not*  
39    *be entitled to receive, and may not receive, funding in replacement*  
40    *of categorical funds that have been redirected or otherwise reduced*

pursuant to this chapter. This subdivision may not be construed to prevent a school district from receiving funds that the district is otherwise eligible to receive for cost-of-living adjustments, or growth adjustments that are allocated in accordance with this code, unless otherwise provided for in the annual budget process.

*SEC. 63. Section 78300 of the Education Code is amended to read:*

78300. (a) The governing board of any community college district may, without the approval of the Board of Governors of the California Community Colleges, establish and maintain community service classes in civic, vocational, literacy, health, homemaking, technical and general education, including, but not limited to, classes in the fields of ~~music, drama, art~~ *visual and performing arts*, handicraft, science, literature, nature study, nature contacting, aquatic sports and athletics. These classes shall be designed to provide instruction and to contribute to the physical, mental, moral, economic, or civic development of the individuals or groups enrolled therein.

(b) Community service classes shall be open for the admission of adults and of those minors as in the judgment of the governing board may profit therefrom.

(c) Governing boards shall not expend General Fund moneys to establish and maintain community service classes. Governing boards may charge students enrolled in community service classes a fee not to exceed the cost of maintaining community service classes, or may provide instruction in community service classes for remuneration by contract, or with contributions or donations of individuals or groups. The board of governors shall adopt guidelines defining the acceptable reimbursable costs for which a fee may be charged and shall collect data and maintain uniform accounting procedures to ensure that General Fund moneys are not used for community services classes.

*SEC. 64. Section 89230 of the Education Code is amended to read:*

89230. “Instructionally related activities” means those activities and laboratory experiences that are at least partially sponsored by an academic discipline or department and that are, in the judgment of the president of a particular campus, with the approval of the trustees, integrally related to its formal instructional offerings.

1 Activities that are considered to be essential to a quality  
2 educational program and an important instructional experience for  
3 any student enrolled in the respective program may be considered  
4 instructionally related activities.

5 Instructionally related activities include, but are not limited to,  
6 all of the following:

7 (a) Intercollegiate athletics: costs that are necessary for a basic  
8 competitive program including equipment and supplies and  
9 scheduled travel, not provided by the state. Athletic grants should  
10 not be included.

11 (b) Radio, television, film: costs related to the provisions of  
12 basic “hands-on” experience not provided by the state. Purchase  
13 or rental of films as instructional aids shall not be included.

14 (c) Music and dance performance: costs to provide experience  
15 in individual and group performance, including recitals, before  
16 audiences and in settings sufficiently varied to familiarize students  
17 with the performance facet of the field.

18 (d) ~~Drama~~ Theatre and musical productions: basic support of  
19 theatrical and operatic activities sufficient to permit experience  
20 not only in actual performance, but in production, direction, set  
21 design, and other elements considered a part of professional  
22 training in these fields.

23 (e) Art exhibits: support for student art shows given in  
24 connection with degree programs.

25 (f) Publications: the costs to support and operate basic  
26 publication programs including a periodic newspaper and other  
27 laboratory experience basic to journalism and literary training.  
28 Additional publications designed primarily to inform or entertain  
29 shall not be included.

30 (g) Forensics: activities designed to provide experience in  
31 debate, public speaking, and related programs, including travel  
32 required for a competitive debate program.

33 (h) Other activities: activities associated with other  
34 instructional areas that are consistent with purposes included in the  
35 above may be added as they are identified.

36 Pursuant to this section and other provisions of this code, the  
37 Chancellor of the California State University shall develop a  
38 program of fiscal support and shall consult with the California  
39 State Student Association, the Academic Senate, and the  
40 Chancellor’s Council of Presidents regarding the program.

This section shall not become operative unless funds are appropriated to meet the instructionally related needs of the campuses of the California State University.

*SEC. 65. Section 99223 of the Education Code is amended to read:*

99223. The Regents of the University of California are requested to jointly develop with the Trustees of the California State University and the independent colleges and universities, the Algebra Academies Professional Development Institutes, to be administered by the university, in partnership with the California State University and with private, independent universities in California, in accordance with all of the following criteria:

(a) In July 2000, the University of California and its institutes' partners shall commence instruction for 1,000 participants who either provide direct instruction in prealgebra and algebra to pupils in grades 7 and 8, or supervise beginning teachers of algebra.

(b) (1) The institutes shall provide instruction for school teams from each participating school. These school teams may include both beginning and experienced teachers and the schoolsite administrator.

(2) Criteria and priority for selection of participating school teams shall include, but are not necessarily limited to, all of the following:

(A) Schools whose pupils' scores on the mathematics portion of the achievement test authorized by Section 60640 are at or below the 40th percentile.

(B) Teams composed of a large percentage of members of their schools' mathematics departments, which may include the chair of that department.

(C) Schools with high poverty levels, as determined by the percentage of pupils eligible for free or reduced price meals.

(D) Schools with a high number of beginning and noncredentialed teachers.

(E) Schools that have adopted standards-based materials approved by the State Board of Education.

(3) In any fiscal year, if funding is inadequate to accommodate the participation of all eligible school teams, first priority shall be given to schools that meet the criteria described in subparagraph

(D) of paragraph (2).

(c) (1) The institutes shall provide instruction in the teaching of prealgebra and algebra in a manner consistent with the standard for a comprehensive mathematics instruction program that is research-based and shall include all of the following components:

(A) Instruction in prealgebra and algebra that will enhance the ability of teachers to prepare pupils for the achievement test authorized pursuant to Section 60640 and the high school exit examination authorized pursuant to Section 60850.

(B) Ongoing diagnostic techniques that inform teaching and assessment.

(C) Early intervention techniques for pupils experiencing difficulty in prealgebra and algebra.

(2) Instruction provided pursuant to this section shall be consistent with state-adopted academic content standards and with the curriculum frameworks on mathematics for kindergarten and grades 1 to 12, inclusive, that are adopted by the State Board of Education.

(d) Each participant who satisfactorily completes an institute authorized by this section shall receive a stipend, commensurate with the duration of the institute, of not less than one thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000), as determined by the University of California.

(e) In order to provide maximum access, the institutes shall be offered on multiple university and college campuses that are widely distributed throughout the state. Instruction at the institutes shall consist of an intensive, sustained training period of no less than 40 hours during the summer or during an intersession break, and shall be supplemented, during the following school year, with no fewer than the equivalent of five additional days of instruction and schoolsite meetings, held on at least a monthly basis, to focus on the academic progress of that school's pupils in prealgebra and algebra.

(f) Teachers attending the institutes authorized by this section shall, as a condition of attendance and subsequent to that attendance, serve as instructors in the program authorized by Chapter ~~47~~ 18 (commencing with Section ~~53081~~ 53091) of Part 28. These teachers shall continue to receive followup professional development during the same time period they are providing instruction. Followup professional development during this time period shall occur outside of instructional time.

(g) It is the intent of the Legislature that a local education agency or postsecondary institution that offers an accredited program of professional preparation consider providing partial and proportional credit toward satisfaction of mathematics course requirements to an enrolled candidate who satisfactorily completes an Algebra Academies Professional Development Institute if the institute has been certified by the Commission on Teacher Credentialing as meeting mathematics standards.

*SEC. 66. Section 3540.2 of the Government Code is amended to read:*

3540.2. (a) A school district that has a qualified or negative certification pursuant to Section 42131 of the Education Code shall allow the county office of education in which the school district is located at least six working days to review and comment on any proposed agreement made between the exclusive representative and the public school employer, or designated representatives of the employer, pursuant to this chapter. The school district shall provide the county superintendent of schools with all information relevant to yield an understanding of the financial impact of that agreement.

(b) The Superintendent of Public Instruction shall develop a format for use by the appropriate parties in generating the financial information required pursuant to subdivision (a).

(c) The county superintendent of schools shall notify the school district publicly within those six days if, in his or her opinion, the agreement reviewed pursuant to subdivision (a) would endanger the fiscal well-being of the school district.

(d) A school district shall provide the county superintendent of schools, upon request, with all information relevant to provide an understanding of the financial impact of any final collective bargaining agreement reached pursuant to Section 3543.2.

*(e) A county office of education that has a qualified or negative certification pursuant to Section 1240 of the Education Code shall allow the Superintendent of Public Instruction at least six working days to review and comment on any proposed agreement made between the exclusive representative and the public school employer, or designated representatives of the employer, pursuant to this chapter. The county office shall provide the Superintendent of Public Instruction with all information relevant to yield an understanding of the financial impact of that agreement. The*

1 *Superintendent of Public Instruction shall notify the county office*  
2 *of education publicly within those six days if, in his or her opinion,*  
3 *the proposed agreement would endanger the fiscal well-being of*  
4 *the county office.*

5 SEC. 67. Section 42 of Chapter 71 of the Statutes of 2000, as  
6 amended by Section 129 of Chapter 1058 of the Statutes of 2000,  
7 is amended to read:

8 Sec. 42. (a) The sum of fifteen million seven hundred  
9 sixty-one thousand dollars (\$15,761,000) is hereby appropriated  
10 from the General Fund to the Superintendent of Public Instruction  
11 in accordance with the following schedule:

12 (1) One hundred thousand dollars (\$100,000) for allocation on  
13 a one-time basis to the Hispanic Media Education Group for an  
14 evaluation of the Cada Cabeza Es Un Mundo Latino-Chicano High  
15 School Dropout Prevention Program.

16 (2) One hundred ten thousand dollars (\$110,000) for allocation  
17 on a one-time basis to the Orange County Department of  
18 Education for kitchen facilities at the Katharine Irvine Day  
19 School.

20 (3) Eighty thousand dollars (\$80,000) for allocation on a  
21 one-time basis to the Santa Ana Unified School District for  
22 playground equipment for the Romero Cruz Elementary School.

23 (4) One hundred fifty-five thousand dollars (\$155,000) for  
24 allocation on a one-time basis to the Centralia Elementary School  
25 District for playground equipment for the San Marino and  
26 Danbrook elementary schools.

27 (5) Two hundred thousand dollars (\$200,000) for allocation on  
28 a one-time basis to the Long Beach Unified School District for  
29 renovation of the swimming pool at Jordan High School.

30 (6) Four hundred thousand dollars (\$400,000) for allocation on  
31 a one-time basis to the Culver City Unified School District to  
32 repair the track at Culver City High School.

33 (7) Fifteen thousand dollars (\$15,000) for allocation on a  
34 one-time basis to Raisin City Elementary School District for the  
35 Raisin City library.

36 (8) Fifty thousand dollars (\$50,000) for allocation on a  
37 one-time basis to the El Nido Elementary School District for  
38 air-conditioning at El Nido Elementary.

1 (9) Sixty-two thousand dollars (\$62,000) on a one-time basis  
2 to the Hilmar Unified School District for street access at Hilmar  
3 Middle School, to the extent that this funding remains available.

4 (10) Seventy-five thousand dollars (\$75,000) for allocation on  
5 a one-time basis to the Wasco Union High School District for  
6 air-conditioning for the Wasco High School auditorium.

7 (11) One hundred thirty thousand dollars (\$130,000) for  
8 allocation on a one-time basis to the San Diego City Unified  
9 School District for an ADA Tot Lot upgrade at the Alcott  
10 Elementary School.

11 (12) One hundred thirty-nine thousand dollars (\$139,000) for  
12 allocation on a one-time basis to the Las Deltas Unified School  
13 District for a water well.

14 (13) Two hundred fifty thousand dollars (\$250,000) for  
15 allocation on a one-time basis to the Compton Unified School  
16 District for a pool at Compton High School.

17 (14) Three hundred fifty thousand dollars (\$350,000) for  
18 allocation on a one-time basis to the Fremont Union High School  
19 District for a swimming pool at Fremont High School.

20 (15) Five hundred thousand dollars (\$500,000) for allocation  
21 on a one-time basis to the Baldwin Park Unified School District for  
22 the DREAM project.

23 (16) Two hundred thousand dollars (\$200,000) for allocation  
24 on a one-time basis to Montebello Unified School District for  
25 natural gas powered delivery trucks and a natural gas fueling  
26 station.

27 (17) Two hundred thousand dollars (\$200,000) for allocation  
28 on a one-time basis to the Burbank Unified School District to  
29 continue an innovative literacy program.

30 (18) Three hundred thousand dollars (\$300,000) for allocation  
31 on a one-time basis to the Temple City Unified School District Arts  
32 Academy.

33 (19) One hundred fifty thousand dollars (\$150,000) for  
34 allocation on a one-time basis to the Pasadena Unified School  
35 District for the Pasadena Multipurpose Athletic Field.

36 (20) Three hundred sixty thousand dollars (\$360,000) for  
37 allocation on a one-time basis to the Santa Barbara High School  
38 District for soccer and baseball fields.

39 (21) Five million dollars (\$5,000,000) for allocation on a  
40 one-time basis to the Alvord Unified School District for

1 construction costs associated with the Center for Primary  
2 Education.

3 (22) Five hundred thousand dollars (\$500,000) for allocation  
4 on a one-time basis to the Gonzales Unified School District for  
5 slough repair costs.

6 (23) Two hundred seventy thousand dollars (\$270,000) for  
7 allocation on a one-time basis to the Madera Unified School  
8 District for the Madera Safe Schools and Recreation Route.

9 (24) Two hundred eighty-five thousand dollars (\$285,000) for  
10 allocation on a one-time basis to the Chatom Union Elementary  
11 School District to offset declining average daily attendance  
12 funding and to purchase school buses.

13 (25) Six hundred thousand dollars (\$600,000) for allocation on  
14 a one-time basis to the Orinda Union Elementary School District  
15 to improve pedestrian and vehicle safety.

16 (26) Four hundred seventy-five thousand dollars (\$475,000)  
17 for allocation on a one-time basis to the Millbrae Elementary  
18 School District for declining enrollment.

19 (27) Four hundred thousand dollars (\$400,000) for allocation  
20 on a one-time basis to the Los Angeles Unified School District to  
21 renovate Olive Vista Middle School.

22 (28) Fifty thousand dollars (\$50,000) for allocation on a  
23 one-time basis to the Escalon Unified School District for a new  
24 swimming pool.

25 (29) One hundred five thousand dollars (\$105,000) for  
26 allocation on a one-time basis to the Borrego Springs Unified  
27 School District for a football field facility at the Borrego Springs  
28 High School.

29 (30) Four hundred fifty thousand dollars (\$450,000) for  
30 allocation on a one-time basis to the Del Norte County Unified  
31 School District for construction of the Mountain School  
32 multipurpose building.

33 (31) One hundred thousand dollars (\$100,000) for allocation  
34 on a one-time basis to the L.A.'s Best for afterschool programs.

35 (32) Three million seven hundred thousand dollars  
36 (\$3,700,000) for allocation on a one-time basis to the Clovis and  
37 Fresno Unified School Districts for the Center for Advanced  
38 Research and Technology.

39 (b) For purposes of making the computations required by  
40 Section 8 of Article XVI of the California Constitution, the



1 appropriation made by subdivision (a), except the amount  
2 specified in paragraph (1), shall be deemed to be “General Fund  
3 revenues appropriated to school districts,” as defined in  
4 subdivision (c) of Section 41202 of the Education Code for the  
5 1999–2000 fiscal year and included within the “total allocations  
6 to school districts and community college districts from General  
7 Fund proceeds of taxes appropriated pursuant to Article XIII B”  
8 as defined in subdivision (e) of Section 41202 of the Education  
9 Code, for the 1999–2000 fiscal year.

10 ~~SEC. 24.—~~

11 *SEC. 68. Section 3 of Chapter 1024 of the Statutes of 2000 is*  
12 *amended to read:*

13 Sec. 3. It is the intent of the Legislature that any modification  
14 to coursework required by this act shall result in neither additional  
15 classes nor in additional costs, but that any modification to  
16 coursework shall be incorporated into the requirements of  
17 ~~paragraph (2)~~ *subparagraph (B) of paragraph (1)* of subdivision  
18 (a) of Section 51225.3 of the Education Code.

19 *SEC. 69. This act is an urgency statute necessary for the*  
20 *immediate preservation of the public peace, health, or safety*  
21 *within the meaning of Article IV of the Constitution and shall go*  
22 *into immediate effect. The facts constituting the necessity are:*

23 In order to ensure that the various programs affected by this act  
24 are properly implemented, pursuant to the clarifying, technical,  
25 and other changes made by this act, it is necessary that this act take  
26 effect immediately.

